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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF FREEDOM OF EXPRESSION

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with Commission resolution 2001/47

Addendum

Country situations

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	5
I. AFRICA	6 - 121	6
Algeria	9 - 11	6
Angola	12	7
Burundi	13 - 14	7
Cameroon	15 - 16	8
Central African Republic	17 - 19	8
Comoros	20 - 21	9
Côte d'Ivoire	22 - 24	9
Democratic Republic of the Congo	25 - 31	10
Egypt	32 - 36	12
Equatorial Guinea	37 - 39	13
Eritrea	40 - 46	14
Ethiopia	47 - 50	16
Gabon	51 - 52	17
Gambia	53 - 56	17
Guinea	57 - 59	18
Guinea-Bissau	60 - 62	20
Liberia	63 - 69	21
Mali	70 - 71	23
Mauritania	72 - 73	23
Mauritius	74	24
Morocco	75 - 78	24
Niger	79 - 80	25
Senegal	81 - 83	26
Sudan	84 - 93	26
Swaziland	94 - 96	29
Togo	97 - 102	30
Tunisia	103 - 106	31
United Republic of Tanzania	107 - 108	33
Zimbabwe	109 - 121	33
II. ASIA	122 - 235	37
Afghanistan	125 - 127	37
Bangladesh	128 - 133	38
Brunei Darussalam	134 - 135	40
China	136 - 147	41
Democratic People's Republic of Korea	148	44

CONTENTS (continued)

		Paragraphs	Page
	India	149 - 153	44
	Indonesia	154 - 158	45
	Iran (Islamic Republic of)	159 - 166	46
	Kazakhstan	167 - 168	48
	Kyrgyzstan	169 - 171	48
	Lao People's Democratic Republic	172 - 173	49
	Lebanon	174 - 179	49
	Malaysia	180 - 189	51
	Maldives	190 - 191	53
	Myanmar	192 - 196	53
	Nauru	197 - 198	55
	Nepal	199 - 206	55
	New Zealand	207	57
	Pakistan	208 - 214	58
	Philippines	215 - 216	59
	Republic of Korea	217 - 220	60
	Sri Lanka	221 - 225	61
	Syrian Arab Republic	226 - 229	65
	Thailand	230	66
	Turkmenistan	231 - 232	66
	Uzbekistan	233 - 235	66
III.	EASTERN EUROPE	236 - 256	67
	Armenia	239 - 240	67
	Azerbaijan	241 - 243	68
	Belarus	244 - 246	69
	Russian Federation	247 - 252	70
	Slovenia	253	71
	Ukraine	254 - 256	71
IV.	WESTERN EUROPE AND OTHER COUNTRIES	257 - 280	72
	Canada	260	73
	Germany	261	73
	Monaco	262	73
	Netherlands	263	73
	Turkey	264 - 275	73
	United Kingdom of Great Britain and Northern Ireland	276 - 280	77

CONTENTS (continued)

	Paragraphs	Page
V. LATIN AMERICA AND THE CARIBBEAN	281 - 336	78
Argentina	284	79
Colombia	285 - 291	79
Cuba	292 - 300	81
Dominican Republic	301 - 303	84
Ecuador	304 - 305	84
Guatemala	306 - 311	85
Haiti	312 - 314	87
Honduras	315 - 316	87
Jamaica	317 - 318	88
Mexico	319 - 325	88
Nicaragua	326 - 329	90
Panama	330 - 331	91
Paraguay	332 - 333	91
Peru	334	92
Uruguay	335 - 336	92

Annexes

I. General statistics on communications sent to and received from Governments 93

II. Statistics on joint communications 94

III. Detailed statistics on urgent appeals (UA), letters of allegation (LA) and press releases (PR) issued by the Special Rapporteur 95

Introduction

1. This addendum contains information received from 15 December 2000 to 14 December 2001. Annexes I-III to the main report containing statistical information on the Special Rapporteur's communications with Governments are reproduced in the present addendum for ease of reference.

2. The Special Rapporteur would like to emphasize that the countries discussed in the respective sections in no way reflect the total extent of the problem worldwide, as indeed violations of the right to freedom of opinion and expression take place in almost every country, in spite of the emergence of an increasing number of national institutions which are working for the promotion and protection of human rights.

3. The Special Rapporteur transmitted 37 letters containing allegations concerning 261 persons, of whom 15 were women, and 1,234 urgent appeals on behalf of 872 persons, including 19 women and 16 minors (see annex III).

4. Seeking to avoid unnecessary duplication of the activities of the other thematic rapporteurs and the country rapporteurs, the Special Rapporteur during the past year joined with the Chairman of the Working Group on Arbitrary Detention in 23 urgent appeals and with the Special Rapporteur on torture in 33 urgent appeals and 12 allegations. In the course of the year, 14 urgent appeals and 2 allegations were sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions; 3 urgent appeals and 1 letter of allegation with the Special Rapporteur on the independence of judges and lawyers; 15 urgent appeals and 2 allegations with the Special Representative on the situation of human rights defenders; and 1 urgent appeal and 3 letters of allegation with the Special Rapporteur on violence against women. Furthermore, the Special Rapporteur also joined with the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo (4 urgent appeals) and on the situation of human rights in the Sudan (6 urgent appeals). Finally, 2 urgent appeals were sent together with the Special Representative on the situation of human rights in the Islamic Republic of Iran and 1 urgent appeal with the Special Rapporteur on the situation of human rights in Equatorial Guinea (see annex II).

5. The Special Rapporteur also sent alone 47 urgent appeals and 22 letters of allegation. He sent communications to 69 countries. Further to communications sent both alone and jointly he received 44 replies from Governments (13 African, 17 Asian, 3 Eastern European, 5 Western European and other and 7 Latin American and Caribbean). The Special Rapporteur would like to thank the concerned Governments for their replies. He would like also to underline that in view of time limits for Governments to respond only replies received before 14 December 2001 have been included in the report. Finally, he would like to underline that some replies received before 14 December 2001 were not included in the report because they could not be translated in time for the finalization of the report.

I. AFRICA

6. During the period under review, the Special Rapporteur sent 15 allegations and 50 urgent actions to the Governments of 27 countries.

7. Jointly with the Chairman of the Working Group on Arbitrary Detention he sent 13 urgent appeals and with the Special Rapporteur on torture 11 urgent appeals and 5 allegations; 1 urgent appeal and 1 letter of allegation were sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions; 2 urgent appeals and 1 letter of allegation with the Special Rapporteur on the independence of judges and lawyers; 5 urgent appeals with the Special Rapporteur on the situation of human rights defenders; and 1 urgent appeal and 2 letters of allegation with the Special Rapporteur on violence against women. The Special Rapporteur also joined with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in 4 urgent appeals, with the Special Rapporteur on the situation of human rights in Equatorial Guinea in 1 urgent appeal and with the Special Rapporteur on the situation of human rights in the Sudan in 6 urgent appeals.

8. The communications (urgent appeals and letters of allegation) were sent on behalf of 406 persons, including 11 women and 16 minors. Moreover, the cases concerned 3 radio stations, 22 newspapers, 5 administrative measures and 3 political parties. Further to his communications, the Special Rapporteur received a total of 13 replies from 9 Governments.

Algeria

Communications adressées

9. Le 15 juin 2001, le Rapporteur spécial a adressé une communication au Gouvernement concernant l'adoption par l'Assemblée nationale, le 16 mai 2001, des amendements à l'article 144 bis du Code pénal concernant les délits de presse. Selon les nouvelles dispositions de cet article, "quiconque attente au Président de la République en des termes contenant l'injure, l'insulte, la diffamation, soit par l'écrit, le dessin et par voie de déclaration, et ce, quel que soit le moyen utilisé: diffusion sonore, image, support électronique, informatique et autres" serait passible d'une peine de 2 à 12 mois de prison et d'une amende allant de 50 000 à 250 000 dinars.

10. Le 5 décembre 2001, le Rapporteur spécial a adressé une action urgente au Gouvernement concernant la saisie de l'hebdomadaire arabophone *El Mouaad el Djazairi* datée du 26 novembre. Cette saisie, qui serait la première depuis l'adoption au mois de juin des amendements au Code pénal, serait liée au contenu de son éditorial qui critiquait la politique gouvernementale, en particulier suite aux inondations du 10 novembre 2001 et au fait qu'il contenait un dossier détaillé concernant l'assassinat d'Abdelkader Hachani, un responsable du Front islamique du salut (FIS) dissous.

Observations

11. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse aux deux communications transmises au Gouvernement algérien.

Angola

Visit

12. The Special Rapporteur would like to reiterate his wish to undertake an official visit to Angola as indicated in his letter dated 17 November 2000.

Burundi

Communication adressée

13. Le 24 octobre 2001, le Rapporteur spécial a adressé une communication au Gouvernement concernant Jacqueline Segahungu, journaliste à Radio publique africaine, Léon Masengo, journaliste à Bonesha FM et Jean-Pierre Aimé Harerimana, caméraman de l'agence Reuters qui auraient été empêchés de se rendre à l'aéroport de Bujumbura le 10 mars 2001 alors qu'ils voulaient couvrir le retour d'une tournée internationale d'Epitace Bayaganakandi, candidat du G6 (une coalition de six partis tutsis) à la présidence pendant la période de transition. Selon les informations reçues, ils auraient été arrêtés à un barrage policier situé à trois kilomètres de l'aéroport mis en place pour empêcher les sympathisants du G6 d'accueillir leur candidat. Deux agents de la Documentation nationale (les services de renseignements burundais contrôlés par la Présidence de la République) auraient ordonné aux gendarmes de donner l'assaut contre les manifestants. M. Masengo aurait demandé à ce qu'on lui permette d'accéder à l'aéroport, en sa qualité de journaliste. Les forces de l'ordre auraient refusé et l'auraient battu. Le véhicule de M^{me} Segahungu et de M. Harerimana aurait également été arrêté à ce barrage. Les deux journalistes auraient été sommés de quitter leur véhicule et menacés avec une arme à feu. Dans cette même communication, le Rapporteur spécial fait également état de l'arrestation, le 15 mars 2001, de Gabriel Nikundana et Abbas Mbazumutima, journaliste et rédacteur en chef de la radio Bonesha FM, suite à la diffusion répétée le 9 mars par la radio Bonesha FM d'une interview d'Anicet Ntawuhiganayo, le porte-parole des Forces nationales de libération (FNL), l'un des deux principaux mouvements rebelles du pays. M. Nikundana aurait été accusé d'infraction aux lois sur la presse. M. Mbazumutima pour sa part aurait été inculpé pour violation de l'article 44 du décret-loi du 21 mars 1997 régissant la presse et notamment pour diffusion d'informations incitant à la désobéissance civile ou faisant la propagande de l'ennemi de la nation burundaise en cas de guerre. Les deux journalistes auraient été remis en liberté le 16 mars après avoir payé une amende de 100 000 francs burundais. Dans cette communication, le Rapporteur spécial évoque aussi le cas d'Alexis Sinduhije, directeur de la station privée Radio publique africaine, qui aurait été interpellé et conduit dans les locaux du Bureau spécial de recherche (BSR), le 19 octobre 2001, avant d'être relâché le lendemain après avoir payé une amende de 20 000 francs burundais. Il serait reproché au journaliste, qui aurait été frappé au visage et insulté lors de sa détention, d'avoir eu un entretien avec des militaires sud-africains en mission au Burundi pour assurer la protection de personnalités politiques hutues de retour d'exil.

Observations

14. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication.

Cameroon

Communication adressée

15. Le 4 mai 2001, le Rapporteur spécial s'est associé à la Représentante spéciale du Secrétaire général pour la question des défenseurs des droits de l'homme, au Rapporteur spécial sur la torture et au Président-Rapporteur du Groupe de travail sur la détention arbitraire concernant l'arrestation sans mandat d'arrêt, le 26 avril 2001, du professeur Sindjoun Pokam, de Djeukam Tchameni, de Djimo Léandre, de Peter William Mandio, un journaliste directeur du journal *Le Front indépendant*, et d'Olivier Sande. Ces cinq hommes auraient été acheminés au commissariat central de Douala où ils auraient été détenus dans une cellule de 16 mètres carrés. Bien que la raison de leur détention ne soit pas connue, il semblerait que les personnes mentionnées ci-dessus aient été arrêtées en raison de leurs activités en faveur des droits de l'homme et dans le but de les empêcher d'exercer leur droit à la liberté d'opinion et d'expression. En effet, le professeur Sindjoun Pokam, Djeukam Tchameni, Djimo Léandre et Peter William Mandio sont membres du Collectif national contre l'impunité, une organisation qui lutte pour que les personnes coupables de violations des droits de l'homme soient présentées devant la justice. Ils auraient été arrêtés alors qu'ils se rendaient à une réunion du Collectif.

Observations

16. Le Rapporteur spécial regrette de n'avoir à la date de la finalisation du présent rapport reçu aucune réponse à sa communication. Il attend des informations de la part du Gouvernement camerounais.

Central African Republic

Communications adressées

17. Le 7 mars 2001, le Rapporteur spécial s'est associé à la Représentante spéciale du Secrétaire général pour la question des défenseurs des droits de l'homme et au Rapporteur spécial sur la torture concernant l'arrestation, le 14 février 2001, d'Aboukary Tembeley, un ancien postier à la retraite, Président de l'organisation Mouvement des droits de l'homme et directeur du *Journal des droits de l'homme*. Selon des informations reçues, il aurait été arrêté à la suite de la publication, dans l'édition de son journal en date du 7 février 2001, des résultats d'un sondage qu'il aurait effectué sur la démission du Président Patassé. Bien que sujet à des problèmes cardiaques, il aurait été battu lors de son interrogatoire et son état de santé se serait détérioré. Transféré devant le parquet de Bangui le 16 février 2001, M. Tembeley aurait été inculpé en vertu de l'article 77 du Code pénal centrafricain pour "diffusion de propagande de nature à nuire aux intérêts vitaux de l'État de la Nation" et pour "incitation à la haine et à la révolte contre les insitutions démocratiquement élues". Après deux reports successifs, l'audience aurait eu finalement lieu le 26 février 2001 et le Procureur de la République aurait demandé son inculpation, sur la base desdites charges. Le Procureur se serait référé à l'article 64 de la loi de 1998, qui impose aux journalistes le dépôt légal au parquet de toute publication, et sur cette autre base, il aurait exigé la poursuite du prévenu pour "contravention aux dispositions de ladite loi". La défense aurait rejeté cette nouvelle charge au motif qu'elle ne figurait pas au procès-verbal d'inculpation, dans lequel M. Tembeley se serait présenté comme étant

"administrateur des postes à la retraite", et non comme journaliste. Le tribunal de Bangui aurait déclaré M. Tembeley coupable "d'actes de manœuvre de nature à compromettre la sécurité publique ou à occasionner des troubles politiques graves". Il aurait été condamné à deux mois de prison et à une amende de 150 000 francs CFA et, dans l'après-midi du 5 mars, il aurait été transféré du camp de gendarmerie PK12 à Bangui.

18. Dans une lettre adressée conjointement avec le Rapporteur spécial sur la torture le 30 septembre 2001, le Rapporteur spécial a demandé des compléments d'information sur l'arrestation et les conditions de détention d'Aboukary Tembeley.

Observations

19. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à ses communications et attend des informations de la part du Gouvernement centrafricain.

Comoros

Communication adressée

20. Le 15 novembre 2001, le Rapporteur spécial a envoyé un appel urgent concernant l'arrestation, le 10 novembre 2001, d'Izdine Abdou Salam, directeur de la station radio Karthala, par la gendarmerie de Moroni. Deux jours après, il aurait été placé sous mandat de dépôt au parquet. Bien que le chef d'accusation ne soit pas connu, il semblerait que cette arrestation soit liée à la diffusion sur les ondes de radio Karthala d'un débat contradictoire sur le projet de constitution qui devait être prochainement soumis à référendum. Au cours de cette émission, plusieurs intervenants auraient sévèrement critiqué le texte. Les cassettes de l'émission auraient été saisies par la gendarmerie.

Observations

21. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement comorien.

Côte d'Ivoire

Communications adressées

22. Le 5 juin 2001, le Rapporteur spécial a envoyé un appel urgent concernant la condamnation, le 8 mai 2001, pour diffamation de MM. Méité Sindou et Patrice Lenonhin, respectivement rédacteur en chef et directeur du quotidien *Le Patriote*, à trois mois de prison et à une amende de 100 000 francs CFA par le tribunal de grande instance d'Abidjan. Les deux journalistes ainsi que leurs avocats n'auraient pas été conviés à comparaître et ils auraient appris par voie de presse leur condamnation. Cette condamnation sanctionnerait les deux journalistes pour un article paru au mois de juin 2000 dans lequel ils auraient fait état d'un virement bancaire d'un montant de 1 047 379 francs français sur un compte en Suisse au profit du Président de la Ligue ivoirienne des droits de l'homme.

23. Le 30 septembre 2001, le Rapporteur spécial conjointement avec le Rapporteur spécial sur la torture a adressé une communication au Gouvernement concernant Jules Toualy, un journaliste travaillant pour *Le Jeune Démocrate*, qui aurait été arrêté par deux soldats habillés en civil le 9 avril 2000, dans les bureaux de son journal. Cet incident aurait eu lieu après que Jules Toualy eut écrit un article dans lequel il informait que, suite à une mutinerie militaire à Daloa, six mercenaires guinéens avaient été arrêtés. Il aurait été emmené au poste de commandement de crise d'Akouedo, où il aurait été interrogé sur la source de ses informations, menacé de mort, et battu. Il aurait fini par donner les renseignements demandés mais aurait été à nouveau frappé avec des câbles électriques et une balle de tennis. Dans cette même communication, les Rapporteurs font état de l'arrestation de six journalistes du journal *Le National*, le 10 février 2000, par des militaires. Acheminés à la Primature, ils y auraient été battus et menacés de mort. Cet incident aurait eu lieu après la publication d'un article sur le général Gueï. Le jour suivant, l'éditeur du journal, Laurent Tape Koulou, aurait été appelé à se présenter à la Primature, où il aurait été gardé pendant trois heures et menacé de mort. Le 24 mars 2000, les soldats se seraient présentés aux bureaux du journal et auraient à nouveau maltraité les journalistes. La raison de cette nouvelle attaque aurait été la publication d'un autre article critiquant le général Gueï. Par ailleurs, le 16 mai 2000, cinq hommes, dont trois en uniformes militaires, auraient investi les bureaux du Journal *La Référence* suite à la publication d'articles sur le général Gueï. Patrice Pohé, l'éditeur, aurait perdu connaissance suite aux coups et aurait été emmené avec quatre autres journalistes à la Primature, où ils auraient à nouveau fait l'objet de mauvais traitements. Enfin, Mohamed Fofana Dara, un journaliste travaillant pour la British Broadcasting Corporation (BBC), aurait été frappé par des soldats le 31 juillet 2001, alors qu'il couvrait une manifestation près de l'ambassade de France à Abidjan. Cette manifestation, qui aurait débuté de façon pacifique, aurait été durement réprimée par les forces de sécurité, qui auraient frappé les manifestants. D'après les informations reçues, aucune enquête n'aurait été ouverte sur l'usage excessif de la force par les forces de l'ordre lors de cette manifestation.

Observations

24. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à ses deux communications et attend des informations de la part du Gouvernement ivoirien.

Democratic Republic of the Congo

Communications adressées

25. Le 14 mars 2001, le Rapporteur spécial conjointement avec le Rapporteur spécial sur la torture et le Président-Rapporteur du Groupe de travail sur la détention arbitraire a adressé un appel urgent au Gouvernement concernant l'arrestation, le 28 février 2001, de Guy Kasongo Kilembe, rédacteur en chef de l'hebdomadaire *Pot-Pourri* à Kinshasa, par des éléments des services spéciaux de la police congolaise. Guy Kasongo Kilembe aurait été maltraité et aurait notamment reçu 50 coups de fouet. D'après les informations reçues, le journaliste aurait été détenu suite à la publication, dans l'édition du *Pot-Pourri* du 23 février 2001, d'une caricature du Président Joseph Kabila et d'un article dressant une liste des ministres qui, selon le journal, ne devraient pas être reconduits dans le nouveau gouvernement.

26. Le Rapporteur spécial conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire a adressé un appel urgent le 1er mai 2001 concernant l'arrestation, le 30 mars 2001, de Washington Lutumba, correspondant du quotidien de Kinshasa *Le Potentiel*, sur la base du mandat d'arrêt provisoire n° 0292/A.M. signé la veille par un magistrat du tribunal de grande instance de Matadi. Washington Lutumba serait poursuivi pour "imputations dommageables" à l'encontre de la boulangerie Joseph ayant son siège au Congo-Brazzaville et représentée à Matadi par M. Kiselo Aspirine. *Le Potentiel* aurait publié, sous la signature de Washington Lutumba, un article intitulé "45 000 sacs de farine de froment de marque Mouflon avariés déchargés au port de Boma". Pendant l'interrogatoire, le magistrat aurait demandé au journaliste de lui révéler la source de son information. Dans ce même appel urgent, les Rapporteurs faisaient également état de l'arrestation, le 5 avril 2001, de Jules-César Mayimbi, correspondant du quotidien de Kinshasa *Forum des As*, toujours dans le cadre de cette affaire. Le journaliste aurait, selon les informations portées à notre connaissance, publié dans l'édition n° 1535 du 26 mars 2001 un article intitulé "Vente d'une farine importée de qualité douteuse sur le marché du Bas-Congo". Jules-César Mayimbi serait également poursuivi pour "imputations dommageables" à l'encontre de la même boulangerie.

27. Le 8 juin 2001, le Rapporteur spécial conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire a adressé un appel urgent concernant l'arrestation, le 30 mai 2001, de Freddy Loseke Lisumbu La Yayenga, éditeur du journal *La Libre Afrique*. M. Loseke aurait été d'abord conduit au cachot du parquet de grande instance de Kinshasa/Kalamu avant d'être acheminé le 31 mai 2001 au pavillon 3 du centre pénitentiaire et de rééducation de Kinshasa (CPRK, ex-prison de Makala) où il a été incarcéré. Freddy Loseke Lisumbu La Yayenga aurait été détenu suite à la publication, dans l'édition n° 172 de *La Libre Afrique* du 15 mai 2001, d'un article intitulé "Insolvabilité dûment établie. Soni-Kafuta(ko) de l'armée satanique doit 400 dollars américains au garage Major sur l'avenue Force Publique". Il serait poursuivi pour diffamation à l'endroit du pasteur Sony Kafuta.

28. Le Rapporteur spécial conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire et la Représentante spéciale du Secrétaire général pour la question des défenseurs des droits de l'homme a adressé le 8 juin 2001 un appel urgent concernant l'arrestation, le 5 juin 2001, de M. N'Sii Luanda, Président du Comité des observateurs des droits de l'homme (CODHO), une organisation de défense des droits de l'homme dont le rôle est de porter assistance aux personnes incarcérées. Interpellé par des éléments des services de sécurité, il aurait été acheminé à la Direction générale de l'Agence nationale de renseignements (DG/ANR), dans la commune de la Gombe. Le Président du CODHO avait dû se rendre les 2 et 4 juin 2001 à la Détection militaire des activités antipatrie (DEMIAP-extérieure) où il aurait été interrogé sur les activités de son organisation. Il lui serait reproché d'être en contact avec des suspects qui porteraient atteinte à la sûreté de l'État. Il a ensuite été transféré au CPRK.

29. Le 18 juin 2001, le Rapporteur spécial conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo a adressé un appel urgent concernant l'arrestation de Joachim Diana Gikupa, directeur de la publication du quotidien *L'Avenir*. Invité à se présenter le 14 juin à l'Agence nationale de renseignements de Kinshasa pour "une consultation de presse", dès son arrivée, il aurait été interpellé et placé en garde à vue. Il lui serait reproché la parution, le 8 juin 2001, d'un article intitulé "Joseph Kabila torpillé par son entourage". Cet article était accompagné de la télécopie d'une lettre du directeur de cabinet du Président Kabila demandant au responsable de l'ANR de "tout faire en vue d'empêcher la tenue d'une conférence de presse de l'ancien directeur de cabinet du Président Mobutu Sese Seko". Les agents de l'ANR auraient par ailleurs demandé au directeur de publication de *L'Avenir* de leur révéler l'identité de la personne qui lui aurait procuré cette télécopie.

Communication reçue

30. Le 28 août 2001, le Gouvernement a envoyé une réponse concernant Washington Lutumba et Jules-César Mayimbi dans laquelle il indique qu'une équipe a été dépêchée dans la province du Bas-Congo afin de conduire une enquête sur l'arrestation et la détention de ces deux journalistes. Il a été précisé que, le 26 mai 2001, le tribunal de paix de Matadi avait "établi, dans le chef des messieurs Lutumba et Mayimbi, l'infraction d'imputations dommageables et les a de ce fait condamnés respectivement aux peines de 45 et de 40 jours de servitude pénale principale, à 25 000 francs d'amende ainsi qu'à 100 francs de dommages-intérêts chacun".

Observations

31. Le Rapporteur spécial remercie le Gouvernement de sa réponse et attend du Gouvernement une réponse aux autres communications qu'il a transmises. Le Rapporteur spécial se félicite par ailleurs de la libération des personnes susmentionnées.

Egypt

Communications sent

32. On 6 June 2001, the Special Rapporteur sent an urgent appeal, jointly with the Special Rapporteur on violence against women and the Special Representative on human rights defenders, regarding the case of Nawal El Saadawi, writer and eminent defender of women's rights. A legal proceeding had been launched in order to annul on the grounds of apostasy the 37-year-long marriage of Nawal El Saadawi and her husband, Sheriff Hetata. This proceeding was based on an interview with Nawal El Saadawi published by the Egyptian weekly newspaper *Al Midan* on 6 March 2001 according to which she was critical of certain religious practices. Ms. El Saadawi's statements, which related to historical facts and to her views on the wearing of the veil by women, polygamy and the inequality of women with regard to inheritance laws, were misquoted by the newspaper. A lawyer named Nabih El Wahch lodged a complaint before the General Prosecutor and the Cairo Court for Personal Status Affairs, accusing her of

contempt of Islam and asking for her separation from her husband. The request was based on a Muslim precedent known as *Hisba* which permits any Muslim to introduce proceedings against another Muslim whom he considers guilty of violating an Islamic obligation. It was also noted with great concern that Nawal El Saadawi had previously been subjected to harassment because of her activities as a women's rights activist. She was given an 11-year prison sentence in 1981 for her activities and in 1991, the Arab Women's Solidarity Association, which she founded, was banned. Furthermore, in 2001 several of her books were prohibited from being exhibited at the Cairo Book Fair.

33. On 21 November 2001, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal regarding the presidential decree of 13 November 2001 ordering the trial of 22 civilians before a military court. The 22 men were detained in connection with their affiliation with the Muslim Brotherhood Movement and charged with preparing to incite the public against the system and to protest against the war in Afghanistan. Among the 22 accused are Hussein al-Darrag, candidate for parliament in the elections of October/November 2000, and Muhi al-Dhayat, a university lecturer. Furthermore, many more civilians were tried before military courts, most of them on charges relating to their alleged affiliation with armed groups.

34. On 30 November 2001, the Special Rapporteur transmitted an urgent appeal concerning the arrest of Nagib Soror, a 39-year-old colloquial/common language poet, on 22 November 2001. The same day he appeared before the prosecutor of El Sayeda Zenab, which charged him with possessing immoral booklets and prints, in particular a poem by his father. The prosecutor decided to release him on bail of LE 1,000. Mr. Soror was detained at the El Sayeda Zenab police station. His arrest order came after the publication of some poems by his father on the Internet, which were discovered by the office investigating immoral conduct. His arrest was also sought on the basis of a collection of poems by his father, as well as some unpublished poems which sharply criticized political cases of the 1970s.

Observations

35. A response from the Government is still awaited.

Visit

36. The Special Rapporteur thanks the Government of Egypt for the invitation granted to him. He hopes to undertake this visit early next year (tentatively before the fifty-eighth session of the Commission on Human Rights).

Equatorial Guinea

Comunicación enviada

37. El 6 de junio de 2001, el Relator Especial envió un llamamiento urgente, conjuntamente con el Representante Especial sobre la situación de los derechos humanos en Guinea Ecuatorial, con respecto al caso de Pedro Nolasco Ndong, Presidente de la Asociación de la Prensa de

Guinea Ecuatorial (ASOPGE), que fue interpelado en el aeropuerto de Malabo el 13 de mayo de 2001, cuando regresaba de un seminario organizado por la UNESCO en Namibia con motivo del Día Internacional de la Libertad de la Prensa. La policía le confiscó, sin darle ninguna explicación, un informe sobre la situación de la libertad de prensa en Guinea Ecuatorial desde 1991, toda la documentación distribuida en el seminario y 100 dólares de los EE.UU. Pedro Nolasco Ndong contactó al Ministerio del Interior, la Dirección General de la Seguridad y el Ministerio de Información para que le devolvieran los documentos confiscados, sin éxito.

Observaciones

38. Hasta la fecha no se ha recibido respuesta del Gobierno.

Visita

39. El Relator Especial agradece al Gobierno por su invitación y espera hacer una visita oficial a Guinea Ecuatorial en un futuro próximo.

Eritrea

Communications sent

40. On 20 September 2001, the Special Rapporteur sent an urgent appeal concerning the arrest of former members of the Eritrean Liberation Movement, Petros Solomon, Muhammad Sherifo, Haile Woldensae, and Ogbe Abraha, former government ministers or army officers, who were among 15 senior officials sacked in May 2001 after writing and distributing an internal letter to members of Eritrea's ruling People's Front for Democracy and Justice in which they accused President Isayas Aferwerki of consistently refusing to allow collective leadership and failing to convene legislative bodies intended to regulate presidential powers. In the same communication, the Special Rapporteur also noted with great concern the closing of eight privately run newspapers, which were accused of "putting at risk the unity and best interest of the country".

41. Jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, the Special Rapporteur transmitted an urgent appeal on 29 October 2001 regarding the detention in Galaalo camp of Daniel Asmelash, Filmon Bedali, Sabhat Berhe, Kibrom Asmerom and Bereket Ogbe, all former members of the Student Council, after they were arrested, along with some 2,000 other students, on 18 August 2001. They had been interrogated daily by security agents in an attempt to force them to confess some link with 11 political reformists on behalf of whom the Special Rapporteur on torture had sent an urgent appeal on 29 November 2001. Furthermore, they continued to be held in Wia camp, where it was feared they would receive inadequate food, water and shelter. At least two students, Yirga Yosef and Woldeab Isak, died of heat stroke, on 14 and 19 August, respectively. It was initially reported that the students were arrested after they refused to report for a government summer work programme in protest against the detention of their union leader, Semere Kesete, on 31 July 2001, arrested after he made a speech critical of the Government at a graduation ceremony.

42. On 29 October 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, sent an urgent appeal concerning the incommunicado detention of Petros Solomon, Ogbe Abraha, Haile Woldetensae, Mahmud Ahmed Sheriffo, Berhane Ghebre Eghzabiher, Saleh Kekiya, Aster Fishatsion, Hamid Hamid, German Nati, Estifanos Seyoum, and Beraki Ghebre Selassie. These 11 persons above were part of a group of 15 senior officials who were publicly critical of government policies.

43. On 14 December 2001, the Special Rapporteur transmitted a communication concerning the shutting down of all the Eritrean independent newspapers in Asmara by authorities on 18 September 2001. Security forces sealed off the newsrooms of the following publications after removing computers, phones, fax machine, and other equipment: *Meqale, Setit, Tsigenay, Zemen, Wintana, Keste Debena* and *Admas*. By 25 September 2001, officers had arrested 11 reporters, most of whom were held incommunicado at the First Police Station in Asmara and their bank accounts and other material assets frozen or confiscated. The jailed journalists included: Medhanie Haile, Yusuf Mohamed Ali, Mattewos Habteab, Temesken Ghebreyesus, Amanuel Asrat, Fesshaye Yohannes, Aaron Berhane, Said Abdelkader, Selamyinghes Beyene, Dawit Habtemichael, Seyoum Fsehaye, Dawit Isak and Binyam Haile. The Special Rapporteur also expressed concern at the fact that at least 10 other local reporters had fled the country and that the following journalists had been missing since their arrests: Ghebrehiwet Keleta, Zemenfes Haile, Fitzum Wedi Ade. The President's administration offered various justifications for this large-scale crackdown on the press. It was alleged that the Eritrean Government's onslaught against the independent press is designed to suppress public criticism of the ruling People's Front for Democracy and Justice ahead of general elections scheduled for December. Furthermore, the Special Rapporteur voiced his concern at the fact that with the private press closed, the Government embarked on an ambitious plan to exploit the vacuum, which included expanding the services of *Shaebia*.org, the party's web page, to include regular features and reports, introducing an on-line version of the government newspaper, *Hadas Ertra*; and encouraging "mass organizations", such as the party's youth, student and women's associations, to publish their magazines on-line.

Communication received

44. In reply to the communication dated 20 September 2001, the Government sent a letter on 28 September 2001, in which it explained that the persons referred to in the communication were detained not for expressing views critical either of the President or of the Government, but for involvement in acts that undermined the sovereignty and national security of Eritrea. According to the Government, the arrests and detentions were conducted according to the law of the country. Furthermore, the Government explained that the privately owned newspaper and a bimonthly journal were shut down because of repeated violations of the Press Law and provisions of other legislation.

Observations

45. The Special Rapporteur thanks the Government of Eritrea for its prompt reply, but awaits further responses to his communications dated 29 October 2001 and 14 December 2001.

Visit

46. The Special Rapporteur has sent in September 2001 a request to undertake a visit to Eritrea in the context of his mandate. He hopes that the Government will grant him an invitation.

Ethiopia

Communications sent

47. On 26 January 2001, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on torture regarding the arrest of up to 150 Oromo students from Addis Ababa University on 22 December 2000, including the following individuals: Mohammad Jamal, third-year law student; Tita Gonfa, third-year psychology student; Dula Raggasa, third-year psychology student; Derese Furgasa, third-year psychology student; Badada Bayene, fourth-year history student; Damte Danye, third-year mathematics; Tolasa Dabala, third-year physics student and Tuli Bayisa, Chair of the Oromo Students' Association. The police were called to the university on 22 December to break up a fight between Oromo and other students after a Tigrayan student presented a sociology class paper about the Oromo which offended Oromo students. Police detained 10 Oromo students and took the names of other Oromo and Tigrayan students, telling them to report to the police later. That evening, a special police unit raided the university dormitories, arresting and beating about 200 Oromo students, four of whom were seriously injured. Police later released around 55 of the students, but the others were detained in custody at Maikelawi police investigation centre and Holeta and Sendafa army camps, and were held incommunicado without proper medical care. Only 18 of these individuals were brought to court and charged within 48 hours, as required by law.

48. On 16 November 2001, the Special Rapporteur transmitted a communication concerning the situation of the following journalists, who were approached by the Federal Police and Central Investigation Office (Makelawi) and told that charges of press violations were being forwarded to the courts: Yohannes Abebe, publisher and editor-in-chief of *Gohe/Moresh* newspaper and magazine, who was summoned and told that six new charges were filed against him at several Criminal Benches of the Federal High Court; Arega Wolde-Kirkos, deputy editor-in-chief, who was summoned and told by the Central Investigation Office (Makelawi) that new charges were filed against him at the Third Criminal Bench of the Federal High Court; Leykun Engida, publisher and editor-in-chief of *Dagim Wonchif* newspaper, summoned and told by the Central Investigation Office (Makelawi) that new charges were filed against him at the Fourth Criminal Bench of the Federal High Court; Melese Shine, editor-in-chief of *Ethop* newspaper and magazine, who was summoned and told by the Central Investigation Office (Makelawi) that a new charge was filed against him at the Fifth Criminal Bench of the Federal High Court; Tilahun Bekele, editor-in-chief of *Netsebrak* private newspaper, who received a written order from the Addis Ababa Police Criminal Investigation Department to report to the police on 6 November 2001; Adane Hailu, deputy editor-in-chief of *Netsebrak*, who received a similar written order; Tesahalene Mengesha, deputy editor-in-chief of *Mebrek*, summoned and told by the Central Investigation Office (Makelawi) that a new charge was filed against him at the Third Criminal Bench of the Federal High Court; Abraham G-kidan, editor-in-chief of *Poletica* private newspaper, who was released on bail of 2,000 birr.

Observations

49. No reply from the Government has been received so far.

Visit

50. The Special Rapporteur sent in September 2001 a request to undertake a visit to Ethiopia in the context of his mandate. He hopes that the Government will grant him an invitation.

Gabon

Communication adressée

51. Le 23 octobre 2001, le Rapporteur spécial a adressé un appel urgent au Gouvernement concernant l'interdiction faite le 18 octobre 2001 à la messagerie gabonaise de presse Sogapresse de ne plus distribuer le journal satirique *Le Gri-Gri international*. Selon les informations reçues, M. Barre, directeur de la Sogapresse, avait été convoqué trois jours auparavant par le chef de la police nationale, qui l'aurait alors sommé de ne plus distribuer ledit journal. Suite à cette convocation et aux instructions du Ministère de l'intérieur, la Sogapresse aurait demandé de ne plus recevoir *Le Gri-Gri international*, alors qu'une semaine auparavant elle avait commandé des exemplaires supplémentaires en raison du succès de ce journal au Gabon.

Observations

52. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement gabonais.

Gambia

Communications sent

53. On 25 October 2001, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on torture concerning the arrest of Dr. Moudou Manneh, an opposition politician, and at least 10 other opposition politicians whose names were not made public. They had been arrested since the announcement of President Yayha Jammeh's electoral victory on 19 October. Dr. Moudou Manneh, a member of the opposition coalition which contested the presidential election, had been a minister in the previous government of President Jawara. The reasons for their arrest are not known, but a police statement indicated that 13 people were arrested on public order offences and for disturbing the peace. Dr. Moudou Manneh and Lamine Sillah were held incommunicado at the headquarters of the National Intelligence Agency (NIA) in Banjul. A delegation of human rights activists and lawyers tried to see Lamine Sillah on 23 October but was denied access.

54. The Special Rapporteur transmitted an urgent appeal on 1 November 2001 regarding the arrest, on 29 October 2001, of Bubacar Gaye, the owner of private radio station Citizen FM, by the NIA. No explanation for his arrest was given by the authorities. However, it could be linked to the announcement by the radio station of its intention to broadcast results of the 18 October

presidential election as the votes came in. Furthermore, Citizen FM radio had been suspended between August 1998 and July 2000 for "broadcasting false news". It was alleged that the motive behind the station's closure was its broadcast of a daily press review. The Special Rapporteur also raised his concern about the arrest, on 23 October 2001, of George Christensen, owner of the private radio station Radio 1. He was taken to the NIA offices and released after being interrogated about the radio station's financial situation.

55. On 30 November 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning the detention of Alhagie Mbye, a journalist from *The Independent* and correspondent for the London-based magazine *West Africa*, since 21 November 2001 at NIA headquarters in Banjul. Mr. Mbye's arrest was believed to be related to an article he wrote in *West Africa*, in which he reported on serious electoral fraud. According to the article, thousands of foreigners from Casamance (Senegal) who live in the Gambia were reportedly registered on the electoral lists for the 18 October 2001 presidential election. Furthermore, on 25 July 2000 Mr. Mbye was arrested by plain clothes police officers and released on bail. In that connection, he was questioned about an article published in *The Independent* that revealed that about 20 persons were imprisoned for several years without ever being tried.

Observations

56. No reply from the Government has been received so far.

Guinea

Communication adressée

57. Par une lettre datée du 3 octobre 2001 envoyée conjointement avec les Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires, sur la violence contre les femmes, ses causes et ses conséquences, sur la promotion et la protection du droit à la liberté d'opinion et d'expression et sur l'indépendance des juges et des avocats, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements concernant le procès d'Alpha Condé, le Président du Rassemblement du peuple de Guinée (RPG), l'un des principaux dirigeants de l'opposition et candidat aux élections présidentielles de décembre 1998, et de ses 47 coaccusés. Alpha Condé aurait été arrêté et frappé au moment de son arrestation par des militaires à Piné, en région de Guinée forestière, le 15 décembre 1998. Au moment de son arrestation, il aurait été accusé de vouloir se rendre en Côte d'Ivoire alors que les frontières du pays étaient fermées en raison des élections. Ben Karamoko Kourouma, son garde du corps, Antoine Gbogolo Soromou, ancien maire de Lola, et son chauffeur Michel Lah Gonga, ainsi que Morifing Sagno, un villageois de Piné chez lequel Alpha Condé se serait réfugié, et Vassezé Diomandé auraient été arrêtés le même jour en raison de leurs liens supposés avec Alpha Condé. Ils auraient tous été transférés par avion militaire à Conakry où, pendant un mois, Alpha Condé aurait été détenu au secret dans divers centres de détentions non reconnus, dont le camp Koundara. Il aurait été interrogé par des membres d'une unité antigang directement responsable auprès du Ministre de l'intérieur. Le 28 décembre 1998, il aurait ainsi été présenté devant un magistrat. Il aurait été transféré à la prison centrale de Conakry le 13 janvier 1999 et aurait à ce moment-là été formellement inculpé. Entre le 7 octobre 1999 et janvier 2000,

plus de 30 personnes, la plupart des membres des forces armées, auraient été arrêtées en relation avec l'arrestation d'Alpha Condé. La plupart des personnes arrêtées auraient été soumises à différentes méthodes de torture telles que coups, gifles, coups de poing et de pied sur différentes parties du corps, dont les parties génitales. Certains auraient été emprisonnés dans une cellule connue sous le nom de "cellule de l'enfer" dans l'île de Kassa, qui serait une cellule de petite dimension placée sous une cuve d'eau dans laquelle les détenus seraient forcés de rester debout et seraient régulièrement inondés d'eau. Ces actes auraient eu pour but d'obtenir des confessions incriminant Alpha Condé, en échange desquelles une libération était promise. En particulier, le sergent Guey Keita serait mort le 15 janvier 2000 suite aux mauvais traitements qu'il aurait subis. Il aurait été privé de nourriture pendant huit jours et le matin de son décès aurait été interrogé et torturé dans le but de lui faire confesser qu'il avait reçu de l'argent d'Alpha Condé. Le procès d'Alpha Condé et de ses coaccusés n'aurait commencé que le 12 avril 2000 et aurait principalement été basé sur des confessions obtenues sous la torture. Ce n'est qu'à partir de l'ouverture du procès que certains des coaccusés auraient eu le droit de recevoir des visites de leurs familles. La fille de l'un des détenus sur l'île de Kassa aurait été arrêtée et détenue pendant trois jours durant lesquels elle aurait été menacée de viol. La femme d'un de ces détenus aurait, elle aussi, été arrêtée et aurait reçu 10 coups de fouet. Les 48 détenus auraient été jugés par la cour de sûreté de l'État, créée le 10 juillet 1985 par le Président Lansana Conté. Cette cour, aux pouvoirs permanents et spéciaux, serait composée de magistrats nommés directement par le Président de la République (article 634 (3) du Code de procédure pénale) et aurait pour juridiction tous les crimes d'atteinte à la sécurité de l'État. Les juges auraient été dans ce cas nommés par un décret présidentiel daté du 4 août 1999, soit après l'arrestation d'Alpha Condé. Durant le procès, un certain nombre d'accusés, dont des membres des forces armées, auraient témoigné que leurs confessions incriminant Alpha Condé avaient été obtenues sous la contrainte. Ces confessions auraient néanmoins été acceptées comme preuves par la cour, qui n'aurait par ailleurs pas demandé l'ouverture d'une enquête. Le procureur public aurait par ailleurs qualifié ces témoignages de manœuvre de la défense. Alpha Condé aurait été condamné à cinq ans de prison le 11 septembre 2000. Quinze coaccusés auraient été condamnés à diverses peines allant d'un an d'emprisonnement avec sursis à cinq ans d'emprisonnement ferme. Vingt-trois coaccusés auraient été acquittés alors que 10 autres auraient été acquittés "avec le bénéfice du doute". Quatre autres coaccusés auraient été condamnés *in abstentia* à 10 ans d'emprisonnement ferme. Par ailleurs, à la suite de l'arrestation d'Alpha Condé, un certain nombre de manifestations pacifiques se seraient déroulées, réclamant sa libération et visant à contester les résultats du scrutin. Lors de ces manifestations, en particulier en décembre 1998, des centaines de personnes auraient été arrêtées dans plusieurs villes (Kankan, Baro et Siguiry) et torturées, en particulier aux camps militaires Soundiata à Kankan et Alpha Yaya à Konakry, avant d'être relâchées ou condamnées à des peines de prison ferme. Un grand nombre de femmes, en particulier des mineures, auraient été violées lors de ces arrestations. Des femmes auraient témoigné de leurs viols, souvent collectifs, lors de leurs procès. Les magistrats auraient ignoré ces témoignages et auraient demandé aux victimes de "tourner la page". Mamadou Kourouma aurait été arrêté lors d'un rassemblement pacifique dans l'après-midi du 21 décembre 1998 chez le doyen Le Hadj Amiata Kaba, un député du RPG. Il aurait été emmené au camp Soundiata où trois militaires l'auraient allongé sur une table avant de le battre avec des matraques. Suite aux arrestations survenues à Kankan et Siguiry en décembre 1998, plus de 60 personnes, dont des députés et des conseillers municipaux, ont été jugées par le tribunal de première instance de Kankan pour "participation à une marche non autorisée et incitation à la violence".

Le 16 mars 1999, 38 accusés ont été condamnés à des peines comprises entre quatre mois et cinq ans d'emprisonnement assorties d'amendes importantes. El Hadj Bire Diallo, le Président de l'Assemblée nationale, aurait été exclu de son parti, le Parti de l'unité et du progrès, pour avoir dénoncé, y compris dans une lettre au chef de l'État, les violations des droits de l'homme. En janvier 1999, il aurait adressé un courrier au Président de la République pour réitérer son opposition à la torture et aurait inclus un document vidéo dans lequel des victimes montraient les blessures subies lors des arrestations et détentions. Selon les informations reçues, aucune enquête n'aurait été ouverte.

Information reçue

58. Le Rapporteur spécial souhaite remercier le Gouvernement de lui avoir transmis les renseignements suite à sa note verbale du 7 juin 2001 en application du paragraphe 13 de la résolution 2001/47 de la Commission qui a invité les États à communiquer des observations sur leurs programmes et politiques en matière d'accès à l'information aux fins d'éducation sur l'infection par le VIH.

Observations

59. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement guinéen.

Guinea-Bissau

Communications adressées

60. Le Rapporteur spécial a adressé le 25 octobre 2001 une communication au Gouvernement concernant plusieurs allégations de violations du droit à la liberté d'opinion et d'expression. Le 8 septembre 2001, les journalistes de la station privée Radio Pidjiquiti auraient été victimes de menaces proférées par le Procureur de la République. Selon les informations recueillies, le Procureur, accompagné de deux soldats en armes, se serait rendu en fin de soirée dans les locaux de la station de radio pour réclamer les cassettes d'une émission diffusée la veille et qui est largement suivie par l'opinion. Au cours de ladite émission, M. Silfa Silla, présentateur du programme, avait invité deux de ses confrères des journaux *Diário de Bissau* et *Gazeta de Noticias* pour commenter et analyser les faits politiques de la semaine et notamment la nomination du Procureur général. Les deux journalistes se seraient interrogés sur l'opportunité politique et les raisons de ce changement. Le Procureur aurait exigé que les cassettes de l'émission lui soient remises afin d'empêcher sa rediffusion. Il aurait insulté et menacé verbalement les deux journalistes en poste, MM. Abdouramane Touré et Lassana Camara, de les arrêter s'ils ne lui remettaient pas les cassettes. Le Procureur aurait envoyé son garde du corps pour intimider M. Lalao, le directeur de programme et M. Salumu, le directeur de la radio. Le 17 juin 2001, Joao de Barros, journaliste du *Diário de Bissau*, aurait été arrêté par des éléments des services de sécurité. Athizar Mendes, un journaliste de la même publication, aurait été également arrêté le 18 juin dans la matinée dans l'enceinte du *Diário de Bissau*. Ces arrestations seraient liées à la publication, le 15 juin 2001, par le *Diário de Bissau* d'un article accusant le Gouvernement de corruption. Les deux journalistes auraient été conduits au

département chargé de la sécurité de l'État, qui dépend du Ministre de l'intérieur. Ils auraient été relâchés sous caution le 19 juin en attendant d'être jugés pour diffamation. Le 14 mars 2001, Adolfo Palma, un correspondant de l'agence de presse portugaise Lusa, aurait été menacé d'être poursuivi pour diffamation par un officiel de la Présidence après qu'il eut fait un reportage sur l'arrestation de quatre personnes, le 17 février de la même année, qui étaient soupçonnées de vouloir renverser le Gouvernement. L'officiel aurait indiqué que trois personnes avaient été arrêtées. Or, selon les rapports communiqués, il semblerait que huit personnes aient été arrêtées. Bacar Tcherno Dolé, un journaliste de la radio nationale et de l'hebdomadaire *N° Pintcha* aurait, le 27 janvier 2001, été détenu et aurait fait l'objet de menaces par des éléments de la police et de l'armée durant deux jours pour avoir fait référence à une attaque du Mouvement des forces démocratiques de Casamance (MFDC) contre la vie de Sao Domingos. Au mois de mai 2000, un officier des forces armées et plusieurs membres de la Ligue guinéenne des droits de l'homme (LGDH) auraient été menacés, suite à la publication d'une déclaration dans laquelle ils exprimaient leurs préoccupations concernant des informations selon lesquelles des soldats auraient battu des civils. Quelques jours plus tard, des éléments des forces armées auraient tiré des coups de feu et menacé le journaliste Bakary Mané dans l'enceinte du journal *Diário de Bissau* qui avait publiquement critiqué l'épouse du Président de la République. Le directeur du journal, Joao de Barros, avait fait l'objet de plusieurs menaces de mort au mois de décembre 1999 suite à la publication de plusieurs articles sur des aspects militaires qui auraient déplu à des soldats. Le 27 mai 2000, les journalistes Paula Melo et Yussufe Queta auraient été arrêtés et détenus sans charge suite à la publication d'un bulletin télévisé qui reprenait un discours de Fernando Gomes, un leader de l'opposition, qui accusait le Premier Ministre de corruption. Fernando Gomes aurait également été détenu. Les trois personnes auraient été relâchées trois jours plus tard après qu'une cour a déclaré illégale leur détention.

61. Le 2 novembre 2001, le Rapporteur spécial a envoyé un appel urgent concernant la suspension du *Diário de Bissau* et de la *Gazeta de Notícias*, deux journaux indépendants. Le Procureur général de la République aurait pris, en date du 26 octobre 2001, une ordonnance relative à la fermeture du *Diário de Bissau* et de la *Gazeta de Notícias* au motif que ces publications se livreraient à des activités délictueuses. Il leur serait également reproché de porter atteinte à l'intégrité du territoire, à l'unité nationale, aux institutions de la République ainsi qu'aux "principes objectifs garantis par la Constitution et les lois garantissant la liberté de la presse". Les autorités auraient par ailleurs donné 15 jours aux stations de radio Pidjiquiti et Bombolom pour déposer de nouveaux dossiers.

Observations

62. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à ses communications et attend des informations de la part du Gouvernement bissau-guinéen.

Liberia

Communications sent

63. On 9 March 2001, the Special Rapporteur transmitted an urgent appeal concerning Joseph Bartuah, Abdulai Dukuly, Jerome Dalieh and Bobby Tapson, respectively the director, editor-in-chief, chief political columnist and journalist of the newspaper *The News*.

On 21 February 2001, these individuals were arrested after *The News* published an article saying that the Government of Liberia had allegedly spent US$ 50,000 to repair three helicopters while government employees had not been paid for over four months. The four men were charged with espionage and accused of intending to reveal defence information to foreign Powers, with a view to harming Liberia. On 8 March 2001, in Criminal Court A in Monrovia, the men were refused bail and sent to a detention centre in Monrovia. Their next court date was scheduled for 13 March 2001.

64. The Special Rapporteur sent an urgent appeal on 6 June 2001 concerning the announcement on 28 May 2001 of new rules and conditions for the entry of foreign journalists into Liberia. The Ministry of Information, Culture and Tourism in a press release explained that these measures were introduced to "minimize the impact of non-governmental propaganda that is currently being orchestrated by a number of foreign journalists". Based on these new rules, a letter of intent is required from the head of the media outlet wishing to send a reporter, as well as a minimum of 72 hours' notice. Furthermore, the Ministry of Information reserves the "right to conduct background checks" on journalists and "to reject the request for accreditation if their credentials are not bona fide". In the same communication, the Special Rapporteur raised concerns that on 30 April 2001 the weekly *The Journalist* was banned and that the computers of the weekly *The Analyst* were seized by the authorities without any official explanation.

65. In a communication dated 12 September 2001, the Special Rapporteur expressed concerns at the fact that the Minister of Post and Telecommunications, Emma Wuor, informed Radio Veritas, a private Liberian radio station, on 2 July 2001 that it was no longer allowed to broadcast on short wave frequency, leaving KISS FM and Radio Liberia International, both of which President Charles Taylor owned as part of the Liberia Communications Network. Furthermore, Information Minister Reginald Goodridge said that by airing political programming, Radio Veritas had violated its permit, which only allowed the station to broadcast religious programmes. Radio Veritas had apparently aired several programmes critical of the Government, including the programme "Topical Issues". Previously, in March 2000, the Liberian authorities suspended both Radio Veritas and Star Radio, another independent station critical of the Government, for alleged "security reasons". Star Radio remains suspended whereas Radio Veritas's licence was restored on 22 March 2000.

66. On 30 September 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on violence against women, sent a communication regarding dozens of university students and professors who were whipped and severely beaten by the SOD and the ATU in Monrovia, on 21 March 2001, during a peaceful protest against the continued detention of four journalists. More than 40 students were subsequently arrested and more than 20 were taken to National Police Headquarters in Monrovia. They were later released without charge but they carried visible marks of beatings. At least seven of the female students arrested were raped and one of the arrested students had his elbow disjointed as a result of beatings.

67. Jointly with the Special Rapporteur on torture, the Special Rapporteur transmitted a communication on 30 September 2001 regarding Sorious Samura, Gugulakhe Radeba, David Barrie and Timothy John Lambon, all journalists working for *Channel 4*, a

United Kingdom television station, suspected of having investigated politically sensitive issues such as arms transfers to Liberia. They were detained in Monrovia on charges of espionage for several days in August 2000.

68. On 30 November 2001, the Special Rapporteur transmitted an urgent appeal concerning the visit to the offices of the private daily *The News* on 20 November 2001 by policemen, who did not have a warrant but who ordered the newspaper's personnel to leave the premises. A police officer explained to one of the editors that the measure was linked to the newspaper's unpaid taxes. The same day, policemen arrested Wilson Tarpeh, chairman of *The News'* board of directors. *The Monrovia Guardian* was also closed for the same reason. Furthermore, four journalists from *The News* were arrested and held for several hours in February after criticizing the Government for mismanaging public funds.

Observations

69. The Special Rapporteur regrets that no reply had been received from the Government at the time the report was finalized.

Mali

Communication adressée

70. Le 6 juin 2001, le Rapporteur spécial a adressé une communication au Gouvernement concernant la condamnation, le 16 mai 2001, de M. Sidiki Konaté, directeur général de l'Office de radio-télévision du Mali (ORTM) à un mois de prison et à une amende de 1 million de francs CFA à l'issue d'un procès intenté par le Syndicat autonome de la magistrature contre le maire de Bamako. Cette condamnation aurait été prononcée aux motifs que, le 26 mars 2001, le maire de Bamako aurait affirmé, au cours d'une émission télévisée de l'ORTM, que les magistrats étaient corrompus. En diffusant de tels propos, le directeur général de l'ORTM se serait, en vertu de la loi malienne sur la presse, rendu complice des affirmations du maire. Ce dernier aurait quant à lui été condamné à 3 millions de francs CFA.

Observations

71. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement malien.

Mauritania

Communication adressée

72. Le Rapporteur spécial conjointement avec le Rapporteur spécial sur la torture a adressé le 28 mai 2001 un appel urgent au Gouvernement concernant Mohamed Lemine Chbih Ould Cheikh Melaïnine, Président du Front populaire mauritanien, qui aurait été arrêté le 8 avril 2001 à son domicile de Nouakchott. Six jours après son arrestation, il aurait été inculpé de conspiration dans le but de former un groupe armé dans l'intention de perpétrer des actes terroristes. Mokhtar Ould Haïbetna et Bouba Ould Hassena, arrêtés en même temps que lui,

auraient aussi été inculpés. Ces inculpations auraient pour but de mettre fin à leurs activités politiques. Suite à des manifestations de leurs partisans, la Cour suprême aurait décidé de transférer l'affaire à la cour de Aioun, qui se situe à 800 km de Nouakchott, près de la frontière avec le Mali. Mohamed Lemine Chbih Ould Cheikh Melaïnine aurait des problèmes cardiaques nécessitant une attention médicale constante. Des craintes ont été exprimées quant à son état de santé s'il ne recevait pas des soins médicaux appropriés et immédiats.

Observations

73. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement mauritanien.

Mauritius

Communication received

74. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of the Commission on Human Rights resolution 2001/47 which invites States "to submit to the Special Rapporteur comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of human immunodeficiency virus (HIV) infection.

Morocco

Communications adressées

75. Le 30 mai 2001, le Rapporteur spécial a adressé un appel urgent au Gouvernement concernant la saisie par les autorités marocaines du numéro daté du 17 mai 2001 de l'hebdomadaire français *Courrier international*. Ce numéro reproduisait un article intitulé "Dans la plus grande nation berbère du monde" qui avait été publié le 12 mai 2001 par l'hebdomadaire marocain *Demain Magazine*. Cet article qui abordait la question berbère était accompagné d'une caricature du Roi Mohamed VI. Dans cette communication, le Rapporteur exprimait également ses préoccupations concernant l'interdiction émise par les autorités à l'encontre de l'édition du 19 mars 2001 de l'hebdomadaire espagnol *Cambio*. Il semblerait que cette interdiction soit liée au fait qu'il contenait un dossier intitulé "Le Sahara se prépare à la guerre" dans lequel figurait notamment une interview de Brahim Gali, un membre du secrétariat national du Front Polisario dans lequel il aurait fait état de la "volonté intransigeante et colonialiste du régime expansionniste du Maroc".

76. Le Rapporteur spécial a adressé le 2 novembre 2001 une communication au Gouvernement concernant Ali Lmrabet, directeur de publication de l'hebdomadaire *Demain Magazine* qui devait comparaître le 7 novembre devant un tribunal de Rabat pour " diffusion de fausses informations portant atteinte à l'ordre public ou susceptibles de lui porter atteinte". Le journaliste serait poursuivi en vertu de l'article 42 du Code marocain de la presse, qui prévoit une peine de deux à cinq ans de prison. Les raisons de cette poursuite judiciaire seraient liées à la publication, dans le numéro du 27 octobre de cet hebdomadaire, d'extraits du dernier ouvrage de Jean-Pierre Turquoi intitulé "Le dernier Roi" ainsi que de ses articles sur Moulay Hicham,

le cousin du Roi. Au mois de décembre 2000, l'hebdomadaire *Demain Magazine* ainsi que les publications *Le Journal* et *Assahifa* avaient été interdits pour motif de porter "atteinte à la stabilité de l'État". En janvier 2001, le journal avait pu reparaître sous le nom de *Demain Magazine*.

77. Le 29 novembre 2001, le Rapporteur spécial s'est associé au Président-Rapporteur du Groupe de travail sur la détention arbitraire et a envoyé une action urgente concernant des actes commis le 17 novembre dans la ville de Smara (Sahara occidental) à l'encontre de la population civile. Il semblerait que les forces de la Compagnie mobile d'intervention (CMI), assistées par des éléments de l'armée, soient intervenues dans cette localité alors que des civils tenaient une manifestation devant l'hôtel de ville. L'intervention des forces de l'ordre aurait conduit à l'arrestation de nombreuses personnes ainsi qu'à des perquisitions sans mandat dans plusieurs habitations et commerces de cette ville. Plusieurs personnes auraient été blessées lors de ces interventions. Selon nos informations, les personnes suivantes auraient été et seraient toujours détenues: Ahmadnah uld Butaina uld addaia uld Yousef, Moulud uld Aali uld Moulud, Ahmed-Salem uld Nafaa, Husein Bujari, Mohamed-Salem uld Omar ul Aamir, Ouannani uld Mohamed-Salem uld Al Bar, Daddi Mohamed-Salem Hamma, Echaia Mahdi Bubakkar, Chabba Brahim Kaber, Nafi uld Hamdi uld Addalaa, Arratou uld Omar uld Aamer, Mareyam Mohamed-Salem Hadi, Matou Addaf, Mohamed-Aalem Aloui, Maalainin Albouhati, Mohamed-Salem uld Bachir uld Mohamed-Ali, Mohamed uld Mohamed Salem, M'barek uld Mohamed Karroum, Abieh uld Lalah et Sleima uld Omar uld Aamir. Parmi les personnes qui auraient été arrêtées, plusieurs auraient été blessées lors de l'intervention des forces de l'ordre, dont Galla Hamdi Chej Ali et Ahmed-Salem Mohamed-Saleh Badda, qui se trouvent en détention dans une situation précaire. Parmi les personnes arrêtées lors de cette intervention des forces de l'ordre le même jour figureraient 16 mineurs qui auraient été transférés le 19 novembre de Smara à El Aaiun, pour être présentés devant la justice.

Observations

78. Le Rapporteur spécial attend de recevoir des informations concernant les deux communications qu'il a envoyées au Gouvernement marocain.

Niger

Communication adressée

79. Le Rapporteur spécial a adressé le 6 novembre 2001 une communication au Gouvernement concernant la condamnation, le 19 octobre 2001, d'Abdoulaye Tiémongo, directeur de publication de l'hebdomadaire *Le Canard Libéré*, à six mois de prison pour "diffamation" par le tribunal de première instance de Niamey. Après le rendu du jugement, Abdoulaye Tiémongo, qui aurait comparu librement, aurait été immédiatement conduit et incarcéré à la prison civile de Niamey. Il a été rapporté que le directeur de publication aurait également dû verser une amende de 100 000 francs CFA et 5 millions de dommages-intérêts au Ministre de l'agriculture, qui avait porté plainte contre *Le Canard Libéré* suite à la publication d'un article affirmant qu'il avait détourné 200 millions de francs CFA d'une zone aurifère située dans l'ouest du pays. Il semblerait cependant que d'autres journaux nigériens aient par la suite également fait mention de cette affaire sans être pour autant inquiétés.

Observations

80. Le Rapporteur spécial regrette de n'avoir à ce jour reçu aucune réponse à sa communication et attend des informations de la part du Gouvernement nigérien.

Senegal

Communication adressée

81. Le 6 novembre 2001, le Rapporteur spécial a adressé une communication au Gouvernement concernant Moussa Diop, correspondant à Vélingara du journal privé *Sud Quotidien*, et Cheick Dieng, un correspondant du quotidien privé *Wal Fadrji*. Selon les informations reçues, le 16 avril 2001, Moussa Diop aurait été brutalement pris à partie par des militants du Parti démocratique sénégalais (PDS), le parti au pouvoir, proches du maire de la ville. L'incident aurait eu lieu alors que le journaliste s'apprêtait à se rendre à un rendez-vous pour interviewer un responsable politique local. Une dizaine d'individus lui auraient alors barré la route et auraient commencé à jeter des pierres dans sa direction. Moussa Diop se serait réfugié dans son véhicule dont les vitres auraient été brisées. Il semblerait que cet incident ait eu lieu suite à la publication par le journaliste de plusieurs articles faisant état de dissensions au sein du PDS local. Le maire se serait plaint de ces articles et aurait répondu à la direction du journal qui demandait des explications sur cette agression: "ce journaliste est contre moi". Dans cette même communication, le Rapporteur spécial faisait également état de la situation de Cheick Dieng, un correspondant du quotidien privé *Wal Fadrji*, qui aurait également été agressé en mars 2001 par des militants du PDS qui se seraient rendus à son domicile afin de protester contre le titre de la couverture de son journal faisant état de dissensions au sein du parti au pouvoir.

Communications reçues

82. Dans une lettre datée du 9 novembre, le Gouvernement a accusé réception de la communication du Rapporteur spécial datée du 9 novembre et indiqué qu'elle serait transmise aux autorités compétentes pour fin de suivi. Le 5 décembre 2001, le Gouvernement a indiqué dans une autre correspondance que les autorités sénégalaises compétentes souhaiteraient disposer de plus amples informations sur les allégations concernant les deux journalistes mentionnés.

Observations

83. Le Rapporteur spécial remercie le Gouvernement pour ces deux correspondances. Il attend cependant des informations sur les cas susmentionnés.

Sudan

Communications sent

84. On 7 February 2001, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Sudan, sent an urgent appeal regarding Amal Abbas, editor-in-chief of the newspaper *Al-Rai Al-Akher*, and Ibrahim Hassan, reporter for the same

newspaper. Ms. Abbas and Mr. Hassan were sentenced by a Khartoum court on 3 February 2001 to three months' imprisonment for failing to pay a fine of 15 million Sudanese pounds imposed on them after the court found them guilty of libel. Ms. Abbas was being detained at the Oum Dourman prison in Khartoum, and Mr. Hassan in the Kober prison. The newspaper, *Al-Rai Al-Akher*, was also ordered to pay a fine of 1 billion Sudanese pounds. The charges were based on an article written about corruption in the Government of Khartoum and were brought by the Governor of Khartoum, who was directly implicated in the article.

85. On 8 March 2001, the Special Rapporteur transmitted an urgent appeal concerning the arrest on 21 February 2001 of Hassan el-Turabi, leader of the Popular National Congress Party (PNC), at his home in Khartoum, by the police following the signing on 19 February 2001 of a memorandum of understanding between the PNC and the Sudan People's Liberation Army (SPLA) which called on the Government to lift the state of emergency imposed since December 1999, to allow political freedoms and freedom of the press and expression, and to release all political detainees. The memorandum also called for resistance, through peaceful means, to suppressive practices of the Government and to violations of human rights committed by the Sudanese regime. The Special Rapporteur also raised his concern at the closing of the newspaper *Rai al-Shaab*, the opposition daily published by the PNC, on 22 February 2001, the day after Hassan el-Turabi's arrest, on a court order. Moreover, members of the PNC political bureau, including Khalifa El-Sheikh Makkawi, Omer Abd Almarouf and Siddiq el-Ahmar, and an unidentified number of PNC political activists were arrested on 22 February 2001 in different regions of the country.

86. On 17 April 2001, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on torture, sent an urgent appeal concerning the arrest of Alfrad Taban, the director of the daily *Khartoum Monitor* and a correspondent for the British Broadcasting Corporation (BBC) and Reuters, on 12 April 2001 while covering a press conference at the Episcopalian Cathedral in Khartoum held by Church leaders following the cancellation of an Easter ceremony on 11 April by the police. His arrest was believed to be connected to his work as a journalist. He was detained under the emergency law according to which a person may be detained for up to 90 days without being charged. The Ministry of Information indicated that he would be speedily released. Furthermore, several Christians were injured and arrested in clashes between security forces and worshippers who were protesting a government order to move an Easter service to a suburb of Khartoum.

87. On 21 May 2001, the Special Rapporteur sent an urgent appeal, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on violence against women, concerning the arrest in the early morning of 11 May 2001 of the following members of the National Democratic Alliance: Ali al-Sayyid (member of the Democratic Unionist Party, DUP), Mohammed Mahjoub (member of the Sudanese Communist Party, SCP), Joseph Ukello (member of the Union of Sudanese African Parties), Mohammed Wida Ala (spokesman of the National Democratic Alliance, NDA) and Dr. Mohammed Suleiman (member of the Trade Union Alliance). The five men were arrested at their homes in Khartoum before being taken to unknown local police stations. As according to the Sudanese judicial procedure no arrest should be undertaken after 2 p.m., their lawyers submitted an appeal on 12 May and are still waiting for a reply. Previously, the five opposition activists were arrested on 6 December 2000, following a

meeting with an American diplomat in Khartoum, on the charge that NDA members were part of a conspiracy to incite a popular uprising, disrupt national security and support the rebel movement with American logistical support. They were released on bail in late April 2001 following an appeal by their lawyers to the Appeal Court. However, the Government appealed against this decision to the Supreme Court, which took the decision to rearrest them on 10 May 2001.

88. On 6 June 2001, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Sudan concerning the case of Alfred Taban, director of the independent paper *The Khartoum Monitor*, who on 30 May 2001 had been denied an exit visa to attend a conference on conflict resolution in Zanzibar. When he went to get his visa, Mr. Taban was notified by immigration officers that he had been banned from travelling, without being given any explanation.

89. The Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Sudan, transmitted an urgent appeal on 17 September 2001 concerning the daily newspaper *The Khartoum Monitor* which was banned for three days on 11 September 2001 on order of the Press National Council, a body which reports directly to the Head of State and can ban a publication or sentence a publisher to fines. This order was issued because of the publication of articles in August and September judged "harmful" to relations between the North and the South of the country. *The Khartoum Monitor* had published declarations from a personality in the South accusing the northerners of having "plundered the South". It is the only English-language daily and is famous for its criticism of government policies. During the last year, several journalists working for *The Khartoum Monitor* were arrested under emergency laws which empower the police to detain people for up to 90 days without charge.

90. On 30 November 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in the Sudan, sent an urgent appeal concerning the detention of 22 journalists and a number of other employees of the independent daily *Al-Watan*, after they marched to the Information Ministry to protest a decision by censors to ban the publication of a story on corruption. The journalists arrested reportedly were: Sidahmed Alkhalifa, Ahmed Alhabou, Mohmaed AlNa'iam, AlFatih Mieka, Ms. Majdoleen Mohamed, Yahya Mahir, Salah Almalieh, Mustafa Abu Alazayim, Ms. Ragya Hassan, Ms. Sumaya Handosa, Isam Abass, Mustafa Mohmed Hassab Alla, Abd Algaleel Khalifa, Mohamed Abdalla Khalifa, Mohamed Abdalla Alshiekh, Mujahid Abdalla, Mustafa Ahmed Ali, Alghali Salih, Waleed, Mubarak Jaboor, Bakri Suliman and Nasir Salah Aldin. They were taken to the Security of the Community police building where they were forced to stand in the sun with their hands above their heads against a wall for many hours. Moreover, the three women were reportedly separated from their colleagues and forced to sit in one chair for many hours. Security officials raided the paper's offices on the evening of 19 November 2001 in an effort to prevent the publication of an article about the seizure of more than 2 billion Sudanese pounds (over US$ 800,000) worth of expired medicines and the arrest of a number of merchants that day. The same day, the newspaper held a press conference after which about 50 *Al-Watan* journalists marched peacefully through the streets with their mouths wrapped with pieces of cloth to show they had been censored. Riot police stopped them on their return and allegedly rounded up 22 protestors.

Communications received

91. In letters dated 15 May and 2 April 2001, the Government of the Sudan replied to the concerns the Special Rapporteur raised in his communication dated 8 March 2001. The Government explained that Hassan el-Turabi and others were arrested in accordance with the relevant laws of the country, especially the Criminal Procedure Act of 1991. The Attorney General and the Minister of Justice had set up a committee to investigate the accusations made against those individuals. The Government informed the Special Rapporteur that the rights of the accused were guaranteed and protected by the Constitution and the laws of the land and explained that the declaration of the state of emergency in December 1999 came as a result of the exigencies of the situation in the country. However, the newly elected Parliament was expected to review the issue of the state of emergency soon. As for the closing down of the *Rai al-Shaab* newspaper, it had the right to appeal to the Constitutional Court against the decision of the National Press and Publication Council.

92. In a letter dated 6 June 2001, the Government replied to the concerns expressed in the communication sent on 21 May 2001. The Government explained that the five opposition activists were facing charges under the Criminal Act of 1991, that they were represented by defence counsel and that the case was pending before the courts with all the procedural and substantive guarantees of free and fair trial.

Observations

93. The Special Rapporteur thanks the Government of the Sudan for its replies and its willingness to cooperate with the mandate, but awaits further responses to his communications dated 7 February 2001, 17 April 2001, 6 June 2001, 11 September 2001 and 30 November 2001.

Swaziland

Communication sent

94. On 19 July 2001, the Special Rapporteur transmitted, jointly with the Special Rapporteur on the independence of judges and lawyers, an urgent appeal regarding the issuing of a new law, Decree No. 2, by King Mswati III on 22 June 2001, which gives the monarch the power to prevent legal challenges to any of the monarch's executive decisions. Moreover, the law endows the King with the authority to outlaw books, magazines or newspapers, while allowing the Justice Minister to prohibit newspapers from challenging publishing bans. It further prohibits persons from impersonating or mocking the King on penalty of imprisonment and a US$ 6,000 fine. With respect to the independence of the judiciary, the Decree confers on the King sole discretion for the appointment of judges as well as the terms and conditions of their appointments.

Communication received

95. In a letter dated 20 November 2001, the Government of Swaziland informed the Special Rapporteur, in response to his communication dated 22 June 2001, that Decree No. 2 had been invalidated by Decree No. 3 of 2001 signed by the King on 24 July 2001.

Observations

96. The Special Rapporteur thanks the Government of Swaziland for its reply and its willingness to cooperate with the mandate. He further welcomes the invalidation of Decree No. 2.

Togo

Communications adressées

97. Le 5 juin 2001, le Rapporteur spécial conjointement avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire a adressé un appel urgent au Gouvernement concernant Lucien Messan, journaliste et directeur de la rédaction de l'hebdomadaire *Le Combat du peuple*. M. Messan se serait présenté, le 23 mai 2001, à la gendarmerie, répondant à une convocation qui lui avait été adressée. Il lui aurait alors été notifié qu'une plainte avait été déposée contre lui pour "faux et usage de faux" par le Ministre de l'intérieur. Le directeur de la rédaction aurait ensuite été acheminé à la prison civile de Lomé où il aurait été interné. Il lui serait reproché d'avoir apposé sa signature au bas d'un communiqué de l'Association togolaise des éditeurs de la presse privée (ATEPP) alors qu'il n'était pas habilité à le faire. Au mois d'août 2000, M. Messan avait porté plainte contre le Ministre de l'intérieur pour "abus de pouvoir suite aux saisies répétées d'exemplaires du *Combat du peuple*".

98. Le Rapporteur spécial a adressé le 25 juillet 2001 un appel urgent au Gouvernement concernant la saisie par les autorités togolaises du matériel d'impression de l'hebdomadaire *Le Combat du peuple*. Le 2 juillet 2001, 30 policiers auraient investi les locaux du journal et auraient saisi le matériel d'impression de même que l'édition de son dernier numéro. Le Ministre de l'intérieur aurait par la suite fait une déclaration selon laquelle ce journal était sur le point de publier des textes de nature à menacer l'ordre public, faisant référence à un article publié par ledit journal relatif à l'implication supposée du Gouvernement dans la tentative d'assassinat du Ministre des droits de l'homme, M. Harry Octavius, qui était détenu. Cette saisie est la troisième en deux mois et survient en application du Code de la presse du 4 janvier 2000.

99. Le 2 novembre 2001, le Rapporteur spécial a adressé un appel urgent au Gouvernement concernant l'arrestation, le 29 octobre 2001, de Abdoul-Ganiou Bawa et Rigobert Bassadou, respectivement directeur de publication et rédacteur en chef de l'hebdomadaire privé *Échos d'Afrique*. Accusés "d'atteinte à l'honneur" et de "publication de fausses nouvelles", ils auraient été incarcérés à la prison civile de Lomé. Ces arrestations seraient liées à la publication, le 26 septembre 2001, d'un article intitulé "Escroquerie à Dankpen: le préfet détourne 1 130 000 francs CFA". Dans cet article, l'hebdomadaire, qui aurait indiqué que le préfet de cette localité avait bénéficié de pots-de-vin sur la vente de bois de teck destiné à la réhabilitation d'un pont, invitait la commission anticorruption à enquêter sur ce cas. Le Rapporteur spécial a également évoqué dans cette communication le cas d'Alphonse Klu, directeur de la publication *Nouveau Écho*, qui aurait été transféré le 26 octobre 2001 à la prison centrale de la capitale togolaise. Le journaliste, qui s'était présenté deux semaines auparavant dans les locaux du Ministère de l'intérieur, suite à une convocation, aurait été immédiatement placé en garde à vue à la gendarmerie de Lomé. La police aurait exigé que le directeur de cette publication divulgue ses sources sur un article affirmant qu'une haute autorité aurait dissimulé "plusieurs milliards"

de francs CFA dans son sous-sol. Dans cette communication, le Rapporteur spécial fait état également des appels téléphoniques reçus par la rédaction de l'hebdomadaire privé *Motion d'information*, de personnes s'identifiant comme étant des agents du Ministère de l'intérieur ou des renseignements généraux et demandant au directeur de la publication de se présenter dans les locaux du Ministère.

Communications reçues

100. Le 7 juin 2001, le Gouvernement togolais a répondu à la communication datée du 5 juin 2001. Dans sa réponse, le Gouvernement indique que le 5 avril 2001, suite à une réunion tenue par l'Association togolaise des éditeurs de la presse privée, un communiqué fut signé par le directeur. Lucien Messan aurait également apposé sa signature en qualité de directeur du journal *Le Combat du peuple*. En lieu et place de Messan, Yaovi Sogbale avait cette qualité et était habilité à signer ledit communiqué conformément à la déclaration faite au Ministère de l'intérieur et de la décentralisation le 18 mai 1995. Sur dénonciation du Ministre de l'intérieur en date du 3 mai 2001, le Procureur de la République a déclenché des poursuites contre Lucien Messan pour faux et usage de faux. Dans sa réponse, le Gouvernement indique que Lucien Messan a été jugé le 5 juin 2001 par le tribunal correctionnel de Lomé, qui "l'a retenu dans les liens de la prévention et l'a condamné à 18 mois d'emprisonnement dont six avec sursis". Le Gouvernement par ailleurs a indiqué que Lucien Messan n'avait jamais été interpellé par les autorités judiciaires en septembre 1998 pour diffusion de fausses nouvelles. Il est enfin précisé concernant la plainte de Lucien Messan contre le Ministre de l'intérieur pour abus de pouvoir que le dossier a été communiqué au Procureur général près la Cour suprême le 8 décembre 2000 et que l'affaire est actuellement pendante devant cette instance.

Information reçue

101. Le Rapporteur spécial souhaite remercier le Gouvernement de lui avoir transmis les renseignements suite à sa note verbale du 7 juin 2001 en application du paragraphe 13 de la résolution 2001/47 de la Commission qui a invité les États à communiquer des observations sur leurs programmes et politiques en matière d'accès à l'information aux fins d'éducation sur l'infection par le VIH.

Observations

102. Le Rapporteur spécial remercie le Gouvernement togolais pour sa prompte réponse à sa communication du 5 juin 2001. Cependant, il attend des réponses concernant les autres communications qu'il a envoyées. Par ailleurs, le Rapporteur spécial tient à se féliciter de la libération de Lucien Messan.

Tunisia

Communications adressées

103. Le 27 juin 2001, le Rapporteur spécial conjointement avec la Représentante spéciale du Secrétaire général pour la question des défenseurs des droits de l'homme a adressé un appel urgent au Gouvernement concernant M^{me} Sihem Ben Sedrine, propriétaire de la maison d'édition

Aloes, directrice du magazine en ligne *Kalima* et porte-parole du Conseil national pour les libertés en Tunisie (CNLT). D'après les informations reçues, M^{me} Ben Sedrine aurait été interpellée le 26 juin 2001 à l'aéroport de Tunis-Carthage de retour de Marseille pour être déférée devant un juge d'instruction. Elle se serait vu notifier son placement en détention jusqu'au 5 juillet avant d'être transférée à la prison pour femmes de la Manouba. Selon les informations reçues, l'interpellation de M^{me} Ben Sedrine serait consécutive à une information judiciaire ouverte par un juge tunisien pour "diffamation", "outrage à magistrat" et "atteinte à l'autorité de justice" suite à des propos tenus les 17 et 24 juin 2001 dans l'émission "Le Grand Maghreb" sur la chaîne arabe Al Mustaquilla ("L'Indépendante"), basée à Londres. M^{me} Ben Sedrine y aurait notamment abordé la question de la corruption en Tunisie et fait référence à des propos tenus par un magistrat tunisien lors d'une audience publique. M^{me} Ben Sedrine a été libérée le 11 août 2001.

104. Le 19 novembre 2001, le Rapporteur spécial a envoyé une communication au Gouvernement concernant la confiscation, le 27 octobre 2001, par les agents de la police des frontières de l'aéroport de Carthage d'un manuscrit, de six disquettes, d'une cassette audio ainsi que d'un portable appartenant à Taoufik Ben Brik. Cet incident se serait produit alors que M. Ben Brik s'apprêtait à regagner Paris afin de faire la promotion de son dernier livre intitulé "Chronique d'un mouchard". Ce livre est un recueil de chroniques écrites au cours de cette année par M. Ben Brik qui se réfèrent le plus souvent à la situation prévalant en Tunisie.

Communication reçue

105. Dans une lettre envoyée le 16 juillet 2001, le Gouvernement a informé le Rapporteur spécial que M^{me} Ben Sedrine avait été arrêtée pour avoir, dans une émission diffusée par une station de télévision par satellite basée à Londres, lancé des accusations personnelles concernant des membres d'un organe désigné, notamment un magistrat, ce qui est un délit aux termes de la loi tunisienne. Le Gouvernement a ajouté que M^{me} Ben Sedrine faisait l'objet d'une plainte déposée par le magistrat en question, qui se prévaut de ses droits, estimant qu'il était victime d'une diffamation. Des poursuites judiciaires ont immédiatement été lancées contre M^{me} Ben Sedrine, qui a été accusée de diffamation et de propagation de fausses nouvelles avec l'intention de nuire. Le 26 juin 2001, déférée devant le juge d'instruction, elle a demandé une suspension de l'instance afin d'obtenir une assistance juridique. Le juge d'instruction a accepté cette demande, a suspendu l'instance jusqu'au 5 juillet 2001 et a délivré un mandat d'arrêt conformément au droit tunisien. Selon le Gouvernement, au titre de l'article 85 du Code de procédure pénale, le juge peut décider la détention provisoire en tant que mesure de sécurité quand de sérieuses présomptions donnent à penser que d'autres délits peuvent être commis. Il avait été établi que M^{me} Ben Sedrine avait commis des délits à plusieurs reprises et que le mandat d'amener était destiné, entre autres, à l'empêcher de commettre d'autres délits. Le 5 juillet 2001, M^{me} Ben Sedrine a comparu devant le juge d'instruction, accompagnée d'autant de conseils que les ressources matérielles du cabinet juridique le permettaient, à savoir 32 avocats. Après l'avoir informé des charges qui pesaient sur elle, le juge d'instruction lui a demandé de bien vouloir y répondre, mais l'inculpée a affirmé qu'elle ne répondrait qu'en présence de tous les avocats qu'elle avait nommés. En raison de l'impossibilité physique de réunir tous les avocats de la défense qu'elle avait nommés et devant le refus obstiné de l'inculpée de répondre en dehors de leur présence, le juge d'instruction a consigné au compte rendu la position de l'inculpée et a ordonné la prolongation de la détention.

Observations

106. Le Rapporteur spécial remercie le Gouvernement tunisien pour sa réponse. Il attend cependant des informations concernant la communication du 19 novembre 2001.

United Republic of Tanzania

Communication sent

107. On 5 February 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, sent an urgent appeal concerning the detention of Mohammed Ali Yussuf, Hamad Masad Hamd, Maulid Makame Abdallah, Juma Othman Juma and Ahmed Seif, along with several hundred other people, between 25 and 28 January 2001 in Dar es Salaam and on the islands of Unguja, Pemba and Zanzibar. These arrests took place in the context of the Government's response to a call for countrywide demonstrations by the Civic United Front (CUF) and other opposition parties demanding a rerun of the October presidential and parliamentary elections and reform of the Constitution. Various extrajudicial killings and incidents of torture, including rapes and severe beatings, perpetrated by the police as well as its paramilitary units had been reported. The police used excessive force in many cases, for instance spraying gas, shooting indiscriminately into crowds and using clubs to beat demonstrators. The opposition activists arrested were being held incommunicado and, in some cases, detained in secret places. Some detainees were believed to have been charged with unlawful assembly. It was alleged that some detainees had been tortured while in custody.

Observations

108. The Special Rapporteur regrets that no reply had been received from the Government at the time the report was finalized.

Zimbabwe

Communications sent

109. On 12 February 2001, the Special Rapporteur transmitted an urgent appeal regarding the bombing of the printing presses of the independent newspaper *The Daily News* in Southerton, in the suburbs of Harare, on 28 January 2001 which caused extensive material damage to five of the six printing presses of the daily estimated at US$ 2 million. It was reported that, on 27 January 2001, a few hours before the bombing, Information Minister and Government spokesperson Jonathan Moyo had told the Zimbabwe Broadcasting Corporation (ZBC) that the State would silence *The Daily News* because it posed a security risk to the nation. Furthermore, a number of government officials who had become increasingly critical of the newspaper's independent stance, had threatened on several occasions to "close down" *The Daily News*, which had published wide-ranging allegations of corruption and mismanagement against the Government of President Robert Mugabe. Furthermore, the Special Rapporteur raised his concern that Davison Maruziva, deputy director of *The Daily News*, and reporters Conrad Nyamutata and Luke Tamborenyoka had been arrested and questioned by officers of

the Criminal Investigative Department (CID) in Harare two days before the bombing, in connection with an October 2000 article which said that members of the opposition Movement for Democratic Change (MDC) had filed a lawsuit against President Mugabe in the United States for political violence that occurred during the June 2000 general elections.

110. On 17 August 2001, the Special Rapporteur sent an urgent appeal regarding the arrest and detention of Geoff Nyarota and Wilf Mbanga, respectively editor-in-chief of *The Daily News* and former chief executive officer of the Associated Newspapers of Zimbabwe (ANZ), the company that publishes *The Daily News*, on 8 November 2001 by plain clothes police officers, who took them to CID headquarters. Neither of them was informed of the charges against them. However, it was alleged that these arrests were related to criticisms made against the Government by this independent daily newspaper.

111. On 24 August 2001, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, issued a press release expressing their extreme concern about reports of death threats against five Zimbabwean journalists who had publicly denounced the repeated violations of press freedom in their country, namely Basildon Peta, news editor of the weekly *Financial Gazette* and correspondent for *The Independent* of London and the *Star* of Johannesburg, Geoff Nyarota, editor of the *Zimbabwe Daily News*, Iden Wetherell, editor of the *Zimbabwe Independent*, Mark Chavunduka and Cornelius Nduna, respectively editor and news editor of *The Standard*.*

112. On 12 September 2001, the Special Rapporteur transmitted a communication regarding the announcement on 13 June 2001 by the Government of Zimbabwe that foreign journalists were going to be required to apply for accreditation from the Information Department at least a month before their entry into the country. The foreign journalists would be able to make their travel arrangements only when they had clear indications from the Department on the accreditation status of applicants. In the same communication, the Special Rapporteur raised his concern that on 20 June 2000, a car used by four journalists, namely Beatrice Khadige, a correspondent of the French news agency Agence France Presse, Guy Oliver and Brian Ramapulana, two journalists of the South African television station E-TV, and Sharon Chetty, a correspondent of the South African private daily *Sowetan*, was attacked with stones and clubs by several militants of the Zimbabwe African National Union-Patriotic Front at a tobacco plantation south of Harare. Furthermore, the Special Rapporteur noted with great concern that on 3 July 2001, Chris Mazivanhanga, a cameraman with the Associated Press (AP), Tsvangirai Mukwazhi, a photographer with *The Daily News* and Cornelius Nduna, news editor of *The Standard*, were arrested while taking pictures of three burning laundries in the suburb of Budirio, following the general strike organized by the country's trade unions (ZCTU) to protest against a 70 per cent fuel price increase decided by the Government. The three journalists were accused of interfering with police investigations, detained overnight and released the following morning. Their equipment was not returned. The Special Rapporteur also considered the case of the Government's decision of 25 July 2001 to cease the granting of accreditation to BBC journalists wishing to cover Zimbabwe. The decision followed a report from Rageh Omaar, special reporter of the BBC World Service, relating to a speech by President Mugabe during the

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* The text of the press release is available on the OHCHR web site.

opening session of parliament on 24 July 2001. The journalist stated that President Mugabe promised to continue with the forcible acquisition of White-owned farmland, while authorities assert that the President spoke of "lawful acquisition", not "forcible acquisition".

113. On 9 November 2001, the Special Rapporteur again sent an urgent appeal concerning the arrest and detention of Geoff Nyarota and Wilf Mbanga (see above).

114. On 19 November 2001, the Special Rapporteur, jointly with the Special Representative on human rights defenders, sent an urgent appeal concerning the cases of David Coltart, a prominent and well-respected human rights lawyer and member of Parliament, Morgan Tsvangirai, leader of the MDC, and other members of the political opposition in Zimbabwe. Mob violence in the city of Bulawayo directed against members of the MDC had forced Mr. Coltart into hiding. On 15 November 2001, Mr. Coltart was detained by police in Harare and then released after two hours. Mr. Coltart had campaigned for many years to improve access to legal services and to uphold the basic rights of everyone in Zimbabwe. Furthermore, Vice-President Joseph Msika and other government officials appeared to incite violent action against members of the MDC, and the ruling Zanu-PF party accused MDC members of being responsible for the abduction and murder of Cain Nkala, Chairman of the Bulawayo War Veterans Association, an armed militia closely associated with the Zanu-PF party.

115. On 28 November 2001, the Special Rapporteur sent a communication concerning the approval by the Government of the Public Order and Security Bill to replace the Law and Order Maintenance Act (LOMA). The Public Order and Security Bill is meant to deal with acts of terrorism, treason, banditry, sabotage, insurgency and subversion, and provides that the publication or communication of false statements that are prejudicial to the State or that incite public disorder or violence, affect the defence and economic interests of the country, undermine public confidence in the security forces, or disrupt or interfere with an essential service is an offence. Those found guilty will be fined up to 100,000 Zimbabwe dollars, or jailed for five years, or both. The bill also makes it an offence to undermine the authority of the President by making public statements or publishing in print or electronic media statements that engender hostility towards the President. Those convicted of these offences will face a fine of up to 10,000 Zimbabwe dollars, or imprisonment for up to one year. Senior police officers will be the regulatory authorities for the bill when it becomes law and will have powers to control public gatherings and crowds whenever it deems it reasonable to do so.

Press release

116. The Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal on 22 August 2001 concerning the death threat against Basildon Peta, 30 years old, news editor of the weekly *Financial Gazette* and a stringer for *The Independent* of London and the *Star* of Johannesburg. On 19 August 2001, the privately owned *The Standard* reported that Mr. Peta, along with four other journalists, was on a hit list compiled by the Law and Order Section of the Zimbabwe police and the Central Intelligence Organization, which oversees internal security. The other journalists listed were: Geoff Nyarota, editor of the Zimbabwe *Daily News*; Iden Wetherell, editor of the Zimbabwe *Independent*;

Mark Chavunduka and Cornelius Nduna, respectively editor and news editor of *The Standard*. According to the article, the five Zimbabwean journalists, who were under special surveillance by State agents, would have been "killed or harmed" before presidential elections.

Communications received

117. In reply to the communication of the Special Rapporteur dated 12 September 2001, the Government of Zimbabwe explained, in a letter dated 28 September 2001, that the accreditation of BBC correspondents was suspended until further notice pending agreement on an ethical and professional code of conduct. With regard to the attack of certain journalists by Zanu-PF militants, the Government explained that it was impossible for the journalists to identify their attackers as party supporters. Furthermore, the Government informed the Special Rapporteur that journalists were put in protective custody for their own safety, which the police could not guarantee in the riotous situation. This explains why they were released the following morning.

118. In a letter dated 19 November 2001, the Government of Zimbabwe replied to the concerns expressed by the Special Rapporteur in his communication dated 9 November 2001. The Government informed the Special Rapporteur that Mr. Nyarota and Mr. Mbanga were arrested on allegations of having made misrepresentations to the Zimbabwe Investment Centre in their application to obtain a licence to publish *The Daily News*; they had indicated that they wanted to publish some weekly papers but instead published a daily. This contravened section 40 of the Zimbabwe Investment Centre Act. The arrest of Mr. Nyarota and Mr. Mbanga was in accordance with the relevant criminal laws of Zimbabwe and was in no way related to their criticisms against the Government.

119. In a letter dated 5 December 2001, the Government acknowledged receipt of the communication dated 28 November 2001.

Observations

120. The Special Rapporteur thanks the Government of Zimbabwe for acknowledging receipt of his communications. He awaits further information on the above-mentioned cases. The Special Rapporteur is extremely concerned at the state of freedom of opinion and expression in Zimbabwe. Therefore, he hopes to be granted an invitation to visit before the next presidential elections.

Visit

121. In September 2001, the Special Rapporteur requested the Government of Zimbabwe to extend an invitation to carry out an official visit.

II. ASIA

122. During the period under review, the Special Rapporteur sent 10 allegations and 47 urgent actions to the Governments of 22 countries.

123. Jointly with the Chairman of the Working Group on Arbitrary Detention he sent 8 urgent appeals and with the Special Rapporteur on torture 19 urgent appeals and 21 allegations; 1 urgent appeal was sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and 7 urgent with the Special Representative on human rights defenders.

124. These communications (urgent appeals and letters of allegation) were sent on behalf of 453 persons, including 1 woman and 3 minors. Moreover, the cases concerned 10 newspapers, 4 media outlets, 3 administrative measures and 2 political parties. Further to his communications, the Special Rapporteur received a total of 13 replies from 9 Governments.

Afghanistan

Communications sent

125. On 12 September 2001, the Special Rapporteur sent an urgent appeal to the Taliban Government concerning the harassment of journalists covering the trial of eight foreign aid workers whom the ruling Taliban accuse of preaching Christianity. The foreigners (two Americans, two Australians, and four Germans) were arrested in early August 2001 along with 16 Afghan colleagues from the German non-governmental organization "Shelter Now International". Though the authorities had initially promised that the trial would take place in open court, they later clarified that journalists, diplomats, and other outside observers would be admitted only during the "second phase" of the proceedings. The journalists were allowed to cover the trial on 8 September, when the aid workers appeared for the first time since their arrest, but they were prevented from returning the next day. On 9 September, the authorities barred journalists from leaving Kabul's Intercontinental Hotel, and searched some of their rooms. Taliban officials said that they took action against the journalists for illegally photographing and videotaping the detainees.

126. On 15 October 2001, the Special Rapporteur transmitted an urgent appeal to the Taliban Government concerning the arrest in Jalalabad on 10 October 2001 of Michel Peyrard, a French journalist for the weekly magazine *Paris Match* along with his guides, Mukkaram Khan, a correspondent for the Urdu-language daily *Nawa-i-Waqt*, and Mohammad Irfan, a journalist for a Peshawar-based newspaper. The three men entered Afghanistan from Pakistan dressed in burqas despite the fact that all journalists had been barred from the country since the terrorist attacks on the United States on 11 September 2001. The three men were paraded through the streets of Jalalabad on 11 October in burqas. They were charged with spying and will face trial in a special court.

Observations

127. No reply from the Government has been received so far. The Special Rapporteur is alarmed by the fact that seven journalists were killed in Afghanistan while carrying out their duties.

Bangladesh

Communications sent

128. On 23 January 2001, the Special Rapporteur, jointly with the Special Representative on human rights defenders, sent an urgent appeal concerning the situation of Sanchay Chakma, an indigenous Jumma leader and former President of the Hill Students' Council who was arrested on 12 January 2001 by the police and plain clothes personnel from the Intelligence Bureau, without a warrant, pursuant to section 54 of the Bangladeshi Criminal Procedure Code, along with eight other activists, namely Dipayon Khisha, member of the Reorganization Committee of the Hill People's Council; Rupok Chakma, President of the Hill Students' Council; Biplob Chakma, a Chittagong University student and member of the Hill Students' Council Executive Committee; Rupayon Chakma, a polytechnic student at Chittagong University; Newton Chakma, a university student; Sadhan Mitra Chakma; Kilai Chakma, a supporter of the United Peoples Democratic Front; Karim Abdullah, Chittagong City leader of the Janotantric Biplobi Jote. Mr. Chakma and others were organizing a public meeting, for which they were apparently granted permission by the authorities, to celebrate the second anniversary of the formation of the United Peoples Democratic Front (UPDF), one of the organizations of the indigenous Jumma people. During the course of the meeting, the police manhandled the organizers and participants and arrested Mr. Chakma and his associates. On 17 January 2001 they were produced before the Chief Metropolitan Magistrate of Chittagong.

129. On 22 February 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, transmitted an urgent appeal regarding the case of Tipu Sultan, a 27-year-old journalist for United News of Bangladesh, a private news agency, who was severely beaten by a gang on 25 January 2001. A gang, allegedly supported by an Awami League member of Parliament in Feni, picked him up in a van between the Grand Trunk Road in Feni town and Salam Community Centre on Shahid Mizan Road. He was beaten and then taken to the Zahir Raihan Hall where he was beaten again for about 10 minutes. He was later left on the street. As a result of the beatings, his legs were broken; the injuries caused permanent damage. The beatings of Tipu Sultan were believed to be related to a report, written nine days earlier, in which he alleged that a gang supported by the Awami League MP was responsible for the destruction of the Sultana Memorial Junior Girls School at Omarpur under Daganbhuyan thana in Feni district. On 27 January he filed a complaint against 15 people, including the above-mentioned MP, but the police officer in charge refused to register a First Information Report. The Bangladesh Rehabilitation Centre for Trauma Victims sent a report about the beatings to the Government but no response has yet been received so far.

130. On 30 September 2001, the Special Rapporteur sent a communication jointly with the Special Rapporteur on torture concerning the following individual cases. Abdus Salam, a former student and political activist affiliated with the Bangladesh Chatra League (BCL), was beaten along with other 11 persons while attending a procession on 21 March 1996 in Kunda. The procession, of some 300 members of the BCL, was surrounded by some 200 members of the Jatiyabadi Chhatra Dal (JCD), the student wing of the then ruling party, the Bangladesh Nationalist Party (BNP), who intended to stop the demonstration. The police did not take any action against the JCD supporters, but about 40 policemen began beating BCL students. Mohammed Sakhawatullah Khan (Anu), a 40-year-old advocate, BNP officer and joint secretary of the Bangladesh Nationalist Lawyers Forum affiliated to the BN, Dhaka unit, was arrested on 18 April 1999 in Rangpur Bazar High Street, Dhaka, while taking part in a BNP procession. He was grabbed by two policemen who beat him on the head with a bamboo stick so hard that the stick broke on his face. He was later produced in court and released on bail. No action was known to have been taken by the authorities to investigate the allegation of torture. Habibun Nabi Sohel, a 32-year-old student of Dhaka University and President of the JCD, was arrested on 17 December 1999 as he was leading a political procession in Noya Paltan in Dhaka organized by women supporters of the JCD. A large contingent of police surrounded the procession, even though it had started peacefully. Habibun Nabi Sohel was kicked and beaten by the police with rifle butts on his legs, back, hands, and chest. Acknowledging his severe injuries, the court ordered that Habibun Nabi Sohel be sent initially to jail rather than police custody, and ordered the jail authorities to provide him with medical treatment before he was sent into remand. At the same time he was served with a notice of detention under the Special Powers Act on 19 December 1999 and was denied visits by his relatives, a doctor or a lawyer while in detention. Mohammed Nasiruddin Ahmed (Pintu), a 34-year-old second-year student at Dhaka Law College and General Secretary of the JCD, was arrested with Habibun Nabi Sohel and subjected to the same treatment. Pintu was taken first to Mutijheel police station, where he was subjected to electric shocks. Both prisoners were later released on bail. They filed suits against the police before the court for the torture they had been subjected to. The Special Rapporteurs also made reference to the case of Debu Prasad Das, a photojournalist with the *Bangladesh Observer* and a photo-correspondent with the Agence France-Presse (AFP), who was subjected to ill-treatment by police on several occasions during assignment in connection with his work as a journalist.

131. On 30 November 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, transmitted an urgent appeal concerning the arrest of Shahriar Kabir, a well-known journalist, documentary filmmaker, regular contributor to the national Bengali-language daily *Janakantha*, and author of several books about Bangladesh's war for independence. Authorities arrested Mr. Kabir on 22 November 2001, when he returned to Bangladesh from India after interviewing minority Bangladeshi Hindus who had fled there following attacks against their community in the wake of the 1 October parliamentary elections. Mr. Kabir was arrested for "anti-State activities on the basis of intelligence reports and at the instruction of higher authorities", according to a police report. After detaining Mr. Kabir at Dhaka International Airport, intelligence agents confiscated his camera, film, videotapes and audiotapes. Moreover, during a hearing on 25 November at the Chief Metropolitan Magistrate's Court in Dhaka, the court inspector argued that Mr. Kabir's reporting in India threatened to "destroy communal harmony and worsen the country's law and order situation".

On 26 November, prison authorities at Dhaka Central Jail told journalists they had received authorization from the Home Ministry to detain Mr. Kabir for up to 30 days under the provisions of Bangladesh's Special Powers Act.

Communication received

132. In a letter dated 21 May 2001, the Government of Bangladesh replied to the concerns expressed by the Special Rapporteur and the Special Representative on human rights defenders in their communication of 23 January 2001. The Government explained that the Chittagong Metropolitan Police had received secret information that some accused persons were present at the meeting in the Zila Parishad Auditorium arranged by the United Peoples Democratic Front. Therefore, the police arrested nine persons and produced them before the Metropolitan Magistrate's Court of Chittagong on 13 January 2001. The police found that Sanchay Chakma and his seven associates were wanted in connection with a murder case. As there was no specific allegation against Karim Abdullah, he was released. The Government added that Sanchay Chakma and his associates were in pre-trial detention in Rangamati jail.

Observations

133. The Special Rapporteur thanks the Government of Bangladesh for its reply and its willingness to cooperate with the mandate. He remains concerned, however, about the situation of Shaharier Kabir and awaits further responses to his communications dated 22 February 2001, 30 September 2001 and 30 November 2001.

Brunei Darussalam

Communication sent

134. On 26 September 2001, the Special Rapporteur transmitted an urgent appeal concerning a new law, the Local Newspapers (Amendment) Order 2001, that would have gone into effect on 1 October 2001. This legislation requires newspapers to apply to the Minister of Home Affairs for annual publishing permits and requires newspapers applying for permits to deposit B$ 100,000 in cash with the Government. The Minister has sole discretion in granting permits; his decisions are not subject to appeal or judicial review. Other provisions allow the Minister to charge journalists with publishing malicious reports or false news, a crime punishable by a fine of B$ 40,000, or three months in jail, or both. Moreover, the law requires individuals who are not citizens or permanent residents of Brunei Darussalam to obtain prior approval from the Office of the Prime Minister before working in the press. As the majority of the staff at the *Borneo Bulletin* and the *News Express*, the two English-language dailies in Brunei, are foreigners, the law could threaten the survival of these newspapers.

Observations

135. No reply from the Government has been received so far.

China

Communications sent

136. On 7 May 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, sent an urgent appeal concerning the prolonged detention of Gao Zhan, a research fellow at the American University in Washington D.C. She had been held in incommunicado detention since her arrest by officers of the Beijing State Security Bureau at Beijing airport on 11 February 2001. A spokesman for the Chinese Foreign Minister issued a statement on 28 March 2001 that she had been charged with accepting "missions from overseas intelligence agencies" and taking "funds for spying activities in mainland China". She was formally charged on 2 April 2001 with accepting money from a foreign intelligence agency and of participating in espionage activities in China. It was reported that the State Security Ministry had repeatedly denied Gao Zhan's lawyer's requests for meetings. Concerns were expressed for her health as Gao Zhan suffers from heart disease and other medical problems. Her place of detention was unknown. Gao Zhan, a United States resident, might have been arrested in connection to her research which focused primarily on women's issues, on Chinese family and on China's relations with Taiwan. Gao Zhan's husband, Xue Donghua, and their son, Andrew Xue, were also arrested on 11 February 2001 at Beijing airport and kept in incommunicado detention for 26 days. Xue Donghua, also a United States resident, and Andrew Xue, a United States citizen, were released and reunited on 8 March 2001 and immediately returned to the United States.

137. On 17 May 2001, the Special Rapporteur transmitted an urgent appeal concerning a series of alleged arrests and detentions targeting individuals who write on the Internet. Yang Zili, creator of an Internet web site *www.lib.126.com*, was arrested on 13 March 2001 as he was leaving his home in Beijing. His place of detention was unknown and he had not been formally charged. It was believed that his arrest was linked to articles he had published on Internet which denounced repression against Falun Gong followers and the economic problems of Chinese peasants. His wife, Lu Kun, was also arrested on 13 March 2001 and, after being interrogated by the police regarding the activities of her husband, she was released after 48 hours. Moreover, the Special Rapporter referred to the detention of Lu Xinhua for "subversion" on the basis of the law on the content of information published on the Internet, and of Wang Jinbo, a member of the China Democracy Party, arrested by police on 9 May 2001 in Junan, Shandong province, and accused of having published on the Internet a text libelling the local police. Furthermore, Wang Sen, also a member of the China Democracy Party, was detained in Dachuan, Sichuan province, where he was arrested on 30 April 2001. He was accused of having denounced on the Internet local trafficking in medicines. In addition, the Special Rapporteur indicated that Guo Qinghai was sentenced by a court in Cangzhou on 26 April 2001 to four years in jail for subversion by virtue of the law on the content of news published on the Internet.

138. On 15 August 2001, the Special Rapporteur transmitted an urgent appeal concerning a directive issued publicly on 8 August by the Chinese State Press and Publications Administration according to which publications could be summarily closed down for reporting on any one of the seven proscribed topics, including criticism of government policies or reporting that "harms the national interest". This directive was the latest move in a crackdown on the mainland Chinese

press that began intensifying in January. Since then, several publications have been shut down and a number of reporters and editors have been dismissed or demoted. Furthermore, hundreds of journalists have been brought to Beijing to meet with propaganda officials in order to "study publicity directions".

139. On 3 September 2001, the Special Rapporteur sent an urgent appeal concerning the sending of Liu Haofeng, a free-lance writer and journalist, to a labour camp where he could stay for up to three years without formal charges or trial. Liu Haofeng was secretly arrested in March 2001 in Shangai. Liu Haofeng was accused by the Shangai Re-education through Labour Committee of "endangering national security" for having published under various pen names on the Internet a policy paper and an essay on the dissident China Democratic Party as well as on the current situation of China's peasants. Liu Haofeng was also accused of trying to form an illegal organization, the "China Democracy Party Joint Headquarters, Second Front".

140. On 25 October 2001, jointly with the Special Rapporteur on torture, the Special Rapporteur sent an urgent appeal regarding the arrest of Huang Guodong, a 51-year-old resident of Mudanjiang city, Heilongjiang province, and his son in February 2001 on the charge of having printed and distributed Falun Gong flyers. They were taken to the Nanshan police station of Tielinghe in Mudanjiang city, where the police are said to have tied them up and to have beaten them violently for a whole day and night. Huang Guodong was subsequently transferred to Mudanjiang detention centre, where he was subjected to periodic torture by three police officers, whose names are known to the Special Rapporteurs. As a result of the torture, Huang Guodong became incontinent and has not been able to take in any food since 10 October 2001.

141. On 30 October 2001, the Special Rapporteur transmitted an urgent appeal, jointly with the Special Rapporteur on torture, concerning the following allegations. On 25 December 2000, Zhang Maoxing and his eldest daughter, Zhang Juan, went to Beijing to appeal to the Government to stop the persecution of the Falun Gong. They were arrested together there and escorted back to the Jiujiang county detention centre in Jiangxi province. Zhang Maoxing had suffered severe beating in the detention centre and was tortured to death on 25 January 2001. Even after Mr. Zhang's death, the police did not lessen its persecution against his family. Indeed, the police did not allow Mr. Zhang's wife to see her husband for the last time. Likewise, Zhang Maoxing's brother and his 10-year-old son were allowed to see his body, but only very briefly before it was hastily cremated. They saw that the body had dark bruises all over, and was still shackled to an iron bed when it was carried away from the hospital for cremation.

142. On 1 November 2001, the Special Rapporteur transmitted a communication regarding the sentencing on 11 September 2001 of Zhu Ruixiang, a former Chinese television editor who used a Hong Kong-based Internet site to e-mail political articles to his friends, to three years' imprisonment on charges of subversion. In the same communication, the Special Rapporteur referred to the detention of Lu Xinhua, arrested in mid-March 2001 in Wuhan, Hubei province. This arrest could be linked to articles written by Mr. Lu about rural unrest and official corruption which appeared on various overseas Internet news sites. On 20 April 2001, Mr. Lu was charged with subversion, a charge frequently used against journalists who write about politically sensitive subjects.

Communications received

143. In a letter dated 15 January 2001, the Government of China replied to the concerns expressed in the communication dated 13 March 2000. The Government explained that Rebiya Kedeer was taken for questioning by the Urumqi Public Security Bureau on 11 August 1999 for attempting to supply intelligence to individuals abroad. On 13 August 1999 she was arrested on criminal charges. On 2 September 1999, the Urumqi Municipal People's Court authorized her detention and on 28 February 2000 the Urumqi Municipal Procurator's Office referred the case to the Intermediate People's Court for trial. The Government informed the Special Rapporteur that it was established that Rebiya Kedeer had long been collaborating with overseas elements engaging in ethnically divisive activities, had taken part in destructive separatist actions and had sent intelligence reports abroad. In accordance with articles 111 and 56.1 of the Penal Code, the Court sentenced her to eight years' imprisonment and stripped her of her political rights for two years. The Government further explained that all Rebiya Kedeer's rights were duly upheld and that she was serving her sentence at the Xinijiang Autonomous Region No. 1 prison, where her rights to proper treatment and to physical and mental health are respected. (See E/CN.4/2001/64, para. 117.)

144. In a letter dated 2 August 2001, the Government of China replied to the concerns expressed in the communication dated 7 May 2001. The Government informed the Special Rapporteur that in 1993, when studying in the United States, Gao Zhan had joined a Taiwanese spy organization, taking the name of "Wei". On instruction from the organization, she entered China several times to engage in espionage activities. The Chinese State Security authorities, in accordance with the relevant provisions of the Criminal Code of the People's Republic of China and the Law on Criminal Proceedings, interrogated Ms. Gao and her husband, who confessed to their spying activities. On 24 July, the Beijing First Intermediate People's Court sentenced Gao Zhan to 10 years in prison. Taking account of her state of health, the Court agreed to release her on parole on medical grounds. On 8 March, the Procuratorate allowed Xue Donghua to leave for the United States with his son. Furthermore, the Government said that the competent Chinese authorities had dealt with the case in strict accordance with the law and that legal rights were fully guaranteed. The Government also specified that Gao Zhan was arrested not because of her academic research, but for her spying activities.

145. Replies from the Government to the communications dated 15 August 2001 and 3 September 2001 were received on 21 November 2001 and were in the process of being officially translated at the time of completion of this report.

Observations

146. The Special Rapporteur thanks the Government of China for its replies and its willingness to cooperate with the mandate. However, he awaits further responses to his communications dated 17 May 2001, 25 and 30 October 2001 and 1 November 2001.

Visit

147. The Special Rapporteur would like to reiterate his wish to undertake a visit to the country, as expressed in letters dated 17 June 1999 and 30 September 2001.

Democratic People's Republic of Korea

Visit

148. The Special Rapporteur would like to reiterate his wish to undertake a visit, as expressed in a letter sent in March 1996.

India

Communications sent

149. On 31 May 2001, the Special Rapporteur sent an urgent appeal expressing concern at the following case. A group of 17 journalists, mostly photographers and television cameramen, who were covering a funeral procession in Magam, were beaten by members of the 194 Battalion of the Border Security Force (BSF). A BSF convoy approached the crowd and began firing in the air to disperse the procession. The sources indicated that the soldiers then turned on journalists who were documenting the assault, beating them with rifle butts and batons and destroying their camera equipment. Mr. Kumar, a cameraman from Hyderabad-based Eenadu Televison, and Aijaz Rahi, a photographer from the Associated Press, were seriously injured. Fifteen others were also injured.

150. The Special Rapporteur transmitted a communication on 19 September 2001 regarding the arrest of Rajesh Bhattarai, editor and publisher of the Nepali-language daily newspaper *Aajo Bholi*, at around 1 p.m. on 20 August 2001 by an officer from the crime branch of the Sikkim police, at the *Aajo Bholi* office in Siliguri, West Bengal, India. Mr. Bhattarai was arrested under the provisions of section 153 (a) of the Indian Penal Code which states that anyone whose words, "whether spoken or written", promote "disharmony" or "feelings of enmity" between different communities may face up to three years in prison. The charges arose from an article that appeared in the *Aajo Bholi* more than one year previously, relating to a statement made by a minister of the Sikkim Government, Pawan Kumar Chamling, who asserted that the flag of the Gorkha National Liberation Front was a symbol of murder. Minister Chamling denied having made such a statement. In response to complaints to the newspaper from political leaders in Sikkim, the *Aajo Bholi* published three separate apologies for the article.

Communication received

151. In a letter dated 5 December 2001, the Government of India replied to the concerns expressed in the communication dated 30 May 2001. The Government informed the Special Rapporteur that on 9 May 2001 a bomb blast took place in an area where 194 Battalion, BSF, was located. A BSF officer was killed and others injured. On 10 May 2001, Mr. Garcha, Deputy Commandant of the unit, went to the police station at Magam to lodge a First Information Report. There he saw a crowd of 1,000-1,500 people shouting anti-India and anti-BSF slogans. The dead bodies of civilians who had been killed in the bomb blast the previous day were also lying near the police station. When the crowd came very close to the BSF post, Mr. Garcha and a guard party tried to disperse the crowd. In the melee, some photographers fell down and their

equipment, including cameras, was damaged. Some photographers also sustained injuries. The Government further informed the Special Rapporteur that the case was under investigation and the necessary action would be taken after the investigation was completed.

Observations

152. The Special Rapporteur thanks the Government of India for its reply and its willingness to cooperate with the mandate, but he awaits further response to his communication dated 19 September 2001.

Visit

153. The Special Rapporteur would like to reiterate his wish to undertake, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, a joint visit, as expressed in his letter dated 6 October 2000.

Indonesia

Communications sent

154. On 30 September 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, transmitted a communication regarding Muhammad Saleh, a member of the Presidium Council of the Centre for a Referendum in Aceh (Sentral Informasi Referendum Aceh, SIRA), and Muzakkir, the secretary of a publication produced by SIRA, who were abducted by armed men in plain clothes from a car repair workshop in Banda Aceh, on 19 September 2000. It was believed that they were abducted in connection with their work with SIRA. They were taken to the Brigade Mobile (Brimob) headquarters in Jilinke, Banda Aceh, where they were stripped to their underwear and beaten with aerial cable, rifle butts, belts and chairs. Afterwards, they were blindfolded and driven to the Aceh Regional Police Headquarters (Polda), where they were beaten and kicked. They were released the following day. A police officer stated that the two men were detained in relation to a dispute over a vehicle and denied the allegations of torture.

155. On 3 December 2001, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, transmitted an urgent appeal regarding the case of Taha Alhamid, the Secretary-General of the Papuan Presidium Council, a local body created to lead civilian support for Papuan independence. Mr. Alhamid received an anonymous telephone death threat on 28 November 2001 according to which "he would soon follow Theys Eluay", former Chair of the Papuan Presidium Council who was abducted and killed less than three weeks before. Mr. Alhamid contacted his lawyer, who immediately called the local police to ask for protection. The deputy police chief invited Taha Alhamid to meet with him and agreed to send police officers to provide protection at Taha Alhamid's home. Taha Alhamid met with the deputy police chief the following day, and asked again for police protection. Although the deputy police chief replied that he would order his officers to trace the owner of the telephone which was used to make the death threat, no police officers were sent to Taha Alhamid's house to provide protection.

Communication received

156. In a letter dated 12 March 2001, the Government of Indonesia replied to the concerns expressed in the communication dated 7 December 2000. The Government provided information concerning the situation of Mr. Muhammad Nazar. He was arrested on 20 November 2000 on charges of disrupting public order by organizing a mass rally on 11 November 2000 and a protest on 17 August 2000. The Government also stated that the trial should have taken place in Medan, the capital of the province of North Sumatra. As Mr. Nazar and his legal representatives strongly opposed and insisted they wanted the trial to be held in Banda Aceh, Mr. Nazar failed to appear before the Medan district court when the trial was opened on 21 February 2001. Therefore, the trial was relocated to the Aceh capital and was opened on 8 March 2001. Moreover, the Government said that the allegation of torture and ill-treatment were unfounded, as proved by the investigation. (See E/CN.4/2001/64, para. 159.)

Observations

157. The Special Rapporteur thanks the Government of Indonesia for its reply, but awaits further responses to his communications dated 30 September 2001 and 3 December 2001.

Visit

158. Following a request to visit the country pending since 18 March 1999, the Government informed the Special Rapporteur on 18 December 2001 that it had agreed in principle to his visit. The Special Rapporteur thanks the Government and hopes that the arrangements will be finalized shortly.

Iran (Islamic Republic of)

Communications sent

159. On 24 January 2001, the Special Rapporteur, jointly with the Special Representative on the Situation of Human Rights in the Islamic Republic of Iran, sent an urgent appeal concerning the verdict issued by a revolutionary court in Tehran on 13 January 2001 regarding 16 Iranian citizens who participated in a conference in Berlin in April 2000 organized by the Heinrich Boll Foundation. All participants in the conference were summoned to the revolutionary court, with the sole exception of Hassan Yussefi-Eshkevari, whose case was referred to the special clergy court, as he is a cleric. According to press reports Hasan Yousefi-Eshkevari was sentenced to death by the clergy court. Of the 16 prosecuted, 6 were acquitted, 2 were fined and 1 received a suspended jail sentence. The remaining 7 were given jail sentences ranging from 4 to 10 years on charges of acting against national security and disseminating propaganda against the Islamic regime: Akbar Ganji, journalist, and Saeed Sadr, translator for the German embassy in Tehran, sentenced to 10 years' imprisonment; Mr. Ganji, sentenced to exile in a remote part of southern Iran for an additional five years; Khalil Rostam-Khani, translator, sentenced to 9 years' imprisonment, Ali Afshari, student leader, and Ezatollah Sahabi, politician, sentenced to 5 and 4½ years' imprisonment respectively; Mehrangiz Kar, women's rights lawyer, and Shahla Lahiji, publisher, sentenced to 4 years' imprisonment.

160. The Special Rapporteur sent an urgent appeal on 31 May 2001 regarding the closing down of about 400 cybercafes in Tehran between 8 and 13 May 2001. According to the sources, the Iranian authorities gave an ultimatum to the cybercafes to obtain a "work permit and a licence to operate on Internet".

161. On 18 September 2001, the Special Rapporteur, jointly with the Special Representative on the situation of human rights in the Islamic Republic of Iran, sent an urgent appeal concerning the verdict issued on 27 August by the Supreme Court upholding the sentences of translators Khalil Rostam-Khani and Saeed Sadr (see above). The Court reduced Mr. Rostam-Khani's sentence from nine to eight years.

162. On 28 November 2001, the Special Rapporteur transmitted a communication concerning a decree issued by the Supreme Cultural Revolutionary Council forbidding private companies from providing Internet services and to either close down existing services or transfer them to the State sector. Since 25 October 2001, at least 1,000 satellite dishes were confiscated and 70 persons arrested because they owned or had installed satellite dishes. Furthermore, on 10 November, about 50 shops were closed and 100 people were arrested because they were selling CDs and other computing and satellite equipment judged to be "indecent". These measures were introduced to bar access to foreign television stations, especially United States-based channels run by Iranian opposition groups.

Communications received

163. In a letter dated 31 January 2001, the Government of the Islamic Republic of Iran replied to the concerns expressed in the communication dated 16 November 2000. The Government explained that any allegations of torture and ill-treatment of Akbar Ganji were false, as the medical examination by a team from the Forensic Medicine Department found him to be in perfect health. (See E/CN.4/2001/64, paras. 163 and 168.)

164. In a letter dated 5 April 2001, the Government replied to the concerns raised in the communications dated 11 May 2000, 30 June 2000, 11 August 2000 and 16 November 2000 concerning the detention of persons who had participated in the Berlin Conference. The Government explained that only 17 of the many Iranians who took part in the Conference were summoned to the court and only 11 of whom were convicted, 7 of whom were released on bail awaiting appeal; the 4 others were imprisoned for charges other than participation in the Berlin Conference. Furthermore, the Government explained that nobody was in jail for their participation in the Conference. (See E/CN.4/2001/64, paras. 164, 165 and 166.)

165. In reply to the communication of the Special Rapporteur sent jointly with the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on extrajudicial, summary or arbitrary executions dated 16 November 2000, the Government provided, on 17 April 2001, information on the situation of Hasan Yousefi Eshkevari, who was said to have been arrested and found guilty of apostasy, sentenced to death and was at risk of execution. The Government explained that there had not been confirmation of his conviction on charges of apostasy and that legal proceedings were pending in the relevant appeal court. (See E/CN.4/2001/64, paras. 166 and 169.)

Observations

166. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply, but awaits further responses to his communications. He remains concerned, however, about the situation of Hassan Yussefi-Eshkevari, Akbar Ganji, Khalil Rostam-Khani, Ezatollah Sahabi and Saeed Sadr.

Kazakhstan

Communication sent

167. On 30 November 2001, the Special Rapporteur transmitted an urgent appeal concerning the case of Daniar Rahmanovich Ashimbaev, journalist and editor of the reference book *Who's Who in Khazakhstan*. On 14 November 2001 several militia officers along with unidentified civilians arrested Mr. Ashimbaev on the street near his home in Alma-Aty. It was alleged that Mr. Ashimbaev was carrying a drug-like substance and was thus arrested on grounds of drug possession. The arrest of Mr. Ashimbaev was motivated by his defamation of the State, as he is one of the founders of the Russian web site *Azioparu*, which had been critical of the present administration. Moreover, on 7 November 2001 a local pro-Government Alma-Aty newspaper, *Vremiapo*, accused Mr. Ashimbaev of cooperating with special agencies, as well as participating in acts of conspiracy against the Government. However, no evidence was reported to have been used in support of this claim. Neither Mr. Ashimbaev's family, nor his lawyer had knowledge of Mr. Ashimbaev's whereabouts.

Observations

168. No reply from the Government has been received so far.

Kyrgyzstan

Communication sent

169. On 23 November 2001, the Special Rapporteur sent a communication concerning Samagan Orozoliev, a television journalist, and Muthar Topchiev, his driver, detained since 28 May 2001. The town court of Jalad-Abad found Mr. Orozoliev and Mr. Topchiev guilty of falsification of documents and a car licence plate, illegal storage of weapons, blackmail and resistance to authorities, and sentenced them to prison terms of nine and eight years respectively. During the trial, the jury heard testimony from Ergesh Torebaev, son of MP and militia captain Orozmatov Torebaev, and Mr. Shaibekov and Mr. Sydykov, both directors of two agricultural organizations, all of whom claimed that Mr. Orozoliev and Mr. Topchiev had tried to blackmail them. Mr. Orozoliev, accompanied by his driver, had come to Jalad-Abad from Bishkek to prepare a television news report regarding the corruption of local officials. It was reported that the criminal charges filed against Mr. Orozoliev and Mr. Topchiev were allegedly fabricated by the National Security Services in an effort to prevent the airing of their report. Reportedly, police officials planted the ammunition cartridges in their vehicle, which allowed them to be charged with the possession of weapons.

Communication received

170. The Government of Kyrgyzstan replied, in a letter dated 18 December 2000, to the concerns expressed by the Special Rapporteur in his communication dated 28 September 2000. The Government informed the Special Rapporteur that the Investigation Department of the Ministry of National Security had initiated criminal proceedings for breach of State secrecy in connection with the publication, on 26 July 2000, of an article by Mr. Nochevkin, which disclosed information about an undercover agent of a body engaged in detective work. The Government also provided the Special Rapporteur with detailed information regarding the investigative procedure and assured him that during the investigation no violation of any of the rights provided for in the Kyrgyz Code of Criminal Procedure had occurred. (See E/CN.4/2001/64, paras. 179 and 180.)

Observations

171. The Special Rapporteur is aware that, given the timing of this allegation, the Government's reply will appear in next year's report. He remains concerned, however, about the situation of Samagan Orozoliev.

Lao People's Democratic Republic

Communications adressées

172. Le 2 novembre 2001, le Rapporteur spécial a adressé un appel urgent concernant l'arrestation, le 26 octobre 2001, à Vientiane d'Olivier Dupuis (député européen, secrétaire du Parti radical transnational), Nikolai Khramov (membre de la direction politique du Parti radical transnational), Massimo Lensi (militant radical), Silva Manzi (militante radicale) et Bruno Mellano (membre du Conseil de la Région du Piémont) alors qu'ils manifestaient pour commémorer le deuxième anniversaire de la manifestation pacifique d'étudiants et d'enseignants qui avait été organisée par le "Mouvement du 26 octobre". Les cinq membres du Parti radical auraient été placés dans un lieu de détention tenu secret.

Observations

173. Le Rapporteur spécial a accueilli avec satisfaction la nouvelle de la libération des cinq membres du Parti radical. Le Rapporteur spécial regrette cependant de n'avoir à ce jour reçu aucune réponse de la part du Gouvernement lao.

Lebanon

Communications adressées

174. Le 10 août 2001, le Rapporteur spécial s'est associé avec le Rapporteur spécial sur la torture et le Président-Rapporteur du Groupe de travail sur la détention arbitraire pour adresser un appel urgent concernant la détention au secret de 150 activistes politiques, parmi lesquels Tawfiq al-Hindi, un responsable des Forces libanaises, et de Nadim Latif, un responsable du Mouvement patriotique libre, alors qu'ils distribuaient des tracts et participaient à une réunion

politique. Parmi eux, 10 étudiants auraient été traduits devant la cour militaire de Beyrouth le 8 août 2001 et auraient été accusés d'avoir distribué des tracts portant atteinte à la réputation de l'armée syrienne et diffamant le Président de la République libanaise. Il y avait lieu de croire que ces personnes qui étaient détenues au secret risquaient de subir des tortures et autres sévices.

175. Le 21 août 2001, le Rapporteur spécial a adressé un appel urgent au Gouvernement concernant l'arrestation, le 18 août 2001, d'Habib Younis, rédacteur en chef du journal arabe de Beyrouth *Al-Hayat* à son domicile par des agents des services de renseignements militaires. Habib Younis aurait été interrogé sur ses prétendues intentions de voyage à Chypre pour y rencontrer des représentants des autorités israéliennes. Des craintes ont été exprimées quant au fait que cette arrestation ferait partie d'un ensemble récent de mesures de répression contre les membres de la communauté chrétienne, à laquelle Habib Younis appartient, opposés à la présence syrienne au Liban.

Communications reçues

176. Dans une lettre du 16 octobre 2001, le Gouvernement libanais a répondu aux préoccupations exprimées dans la communication du 10 août 2001. Il a donné des renseignements concernant l'arrestation de 100 activistes politiques: ils avaient été arrêtés à la suite de la délivrance d'un mandat par le Procureur général et accusés d'avoir commis des délits punissables par le droit militaire ou le Code pénal. Le Gouvernement a aussi expliqué qu'un grand nombre de ces personnes avaient été libérées sous caution, que certaines avaient déjà été condamnées et que d'autres étaient toujours interrogées par le juge d'instruction.

177. Dans sa réponse datée du 25 septembre 2001, le Gouvernement a indiqué au Rapporteur spécial qu'Habib Younis avait été arrêté sur ordre du Procureur général de la Cour de cassation sous l'accusation d'entretenir des contacts avec "l'ennemi israélien et ses agents en utilisant comme couverture ses activités de journaliste de 1982 jusqu'à la date de son arrestation alors qu'il se préparait à se rendre à Chypre pour y rencontrer des membres des services de renseignements israéliens". Le bureau du procureur général de la Cour de cassation l'a transféré au bureau du procureur militaire le 22 août 2001; avec d'autres personnes, M. Younis a été inculpé des délits prévus aux articles 275, 288, 335, 283, 284 et 285 du Code pénal. Dans sa réponse, le Gouvernement a indiqué que M. Younis a été traduit, le 23 août 2001, devant le juge d'instruction militaire qui a ordonné la poursuite de sa détention après l'avoir interrogé en présence de son conseil.

178. En outre, dans ses réponses datées du 1er octobre et du 14 novembre 2001 concernant la détention de 150 activistes politiques en réponse à une communication envoyée le 10 août, le Gouvernement a indiqué que ces personnes ont été arrêtées et interrogées selon les critères juridiques et sur la base de la décision du Procureur général. Ces personnes ont été déférées au tribunal et la majorité d'entre elles ont été libérées sous caution. Aucune pratique inhumaine n'a été exercée à leur endroit. Il est précisé par ailleurs que ces personnes sont accusées de crimes punissables par la loi martiale et le droit pénal et que leur procès aura lieu en vertu des lois en vigueur.

Observations

179. Le Rapporteur spécial remercie le Gouvernement libanais de ses réponses. Il souhaiterait cependant être tenu informé des suites de la procédure judiciaire.

Malaysia

Communications sent

180. On 12 April 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal concerning the arrest and detention of at least seven members of the opposition party, the National Justice Party (Parti Keadilan Nasional), including Chua Tian Chang, Haji Saari Sungip, Hishamuddin Rais, Mohd Ezam Mohd Noor, Abdul Ghani Harun, N Gobala Krishnan and Raja Petra Kamaruddin. The first six individuals were arrested on 10 April 2001 while Raja Petra Kamaruddin was detained on 11 April 2001. All seven were held incommunicado at the Bukit Aman national police headquarters in Kuala Lumpur, where they were allegedly at risk of torture or ill-treatment. The seven were arrested in connection with a rally they were planning at the Malaysian Commission on Human Rights (SUHAKAM) for 14 April 2001 to mark the second anniversary of the sentencing of former Deputy Prime Minister Anwar Ibrahim. They were also planning to submit a memorandum on the state of human rights in Malaysia to the Commission. The above-mentioned persons were arrested under the Internal Security Act (ISA) which allows the police to detain without a warrant any person deemed a threat to the national security or economic life of Malaysia for up to 60 days during investigation, without access to a lawyer.

181. On 26 April 2001, the Special Rapporteur sent an urgent appeal, jointly with the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, regarding the arrest of Dr. Badrul Amin Baharom and Lokman Nor Adam, both members of the opposition National Justice Party, on 20 and 24 April 2001 respectively, under the ISA, in connection with the rally and complaint to SUHAKAM (see above).

182. On 17 July 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on torture and the Special Representative on human rights defenders, transmitted an urgent appeal concerning the arrest of Mohamd Fuad Mohd Ikhwan, President of the Student Representative Council of University Malaya, on 6 July 2001 in Kuala Lumpur, and Khairul Anuar Ahmad Zainuddin, on 5 July 2001 at the Dang Wangi police station. They were both arrested under the ISA. Their arrest followed a student rally in support of political reforms and the abolition of the ISA in front of the National Mosque on 8 June 2001. In the same communication, reference was made to the detention of 41 persons, including 3 teenagers, in Taiping police station for illegal assembly on 15 July 2001 following a demonstration ("*Konvoy Perdana*") organized to support family members of six political activists detained under the ISA without trial for two years, namely Tina Chua, Mohamad Eyam Mohd. Nor, Saari Sungib, Hishamuddin Rais, Llokman Adam and Badaruddin Ismail. The 41 detainees were all released, 37 of them on bail amounting to M$ 1,000 each.

183. On 12 October 2001, the Special Rapporteur sent an urgent appeal, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, concerning the arrest and detention of six religious teachers in Islamic schools, namely Khairuddin Saad, Zulkifli, Mohammad Zulkifli, Mohd Zulkifli Mohd Zakaria, Mohd Salleh Said, Hazami Ishaak, by the Malaysian police on 10 October 2001. They were arrested under the ISA on suspicion of having acted in a manner that could jeopardize national security and accused of involvement in a local militant Islamic group, called Kumpulan Mujahidin Malaysia (KMM). According to the Malaysian authorities, these persons had undergone religious and military training in Afghanistan and they were planning to overthrow the Malaysian Government by force in order to set up an Islamic State.

184. On 27 November 2001, the Special Rapporteur transmitted an urgent appeal concerning the arrest of Dr. Badrul Amin, arrested under the ISA on 20 April 2001. He was released from detention on 13 November 2001, but he was living under "restricted residence" at his home in Gombak district, Selangor, and required to report to the nearest police station every week. The day Dr. Amin was released, he was warned that should he participate in any political activities he would be returned to detention. As a result, Dr. Amin was said to be considering not running for re-election to the National Justice Party's Supreme Council.

Communications received

185. In a letter dated 28 August 2001, the Government of Malaysia replied to the concerns expressed in the communication dated 12 April 2001. The Government explained that the seven people were taken into custody in order to assist the Royal Malaysian Police in its investigations pertaining to credible threats to the public order and internal security of Malaysia. The police believed that the accused were organizing an illegal street demonstration that could result in public discord and unrest. The Government also explained that one of the detainees, Mohd Ezam Mohd. Noor, on 4 March 2001 had publicly announced that the National Justice Party, of which he is the Youth Chief, was planning illegal street demonstration to overthrow the Government. Moreover, the trial of Mohd Ezam Mohd. Noor and Chua Tiang Chang, charged with organizing an illegal assembly in Kuala Lumpur, was still pending. The Government also said that Raja Petra Raja had been released, as well as Gobala Krishnan and Abdul Ghani Haron. The remaining individuals were detained on the grounds that they were a threat to national security. The Government assured the Special Rapporteurs that the detainees were at all times accorded humane treatment during their detention.

186. In reply to the joint communication dated 26 April 2001, the Government provided, on 28 August 2001, information on the detention of Dr. Badrul Amin Baharom and Lokman Nor Adam. The Government explained that they were taken into custody in order to assist the Royal Malaysian Police in its investigations pertaining to credible threats to the public order and internal security of Malaysia. The police believed that they were organizing an illegal street demonstration that could result in public discord and unrest. The Government also explained that they were formally detained under section 8 (1) of the Internal Security Act. The Government assured the Special Rapporteur that the detainees were at all times accorded humane treatment during their detention.

187. In a letter dated 28 August 2001, the Government of Malaysia replied to the concerns expressed in the communication dated 17 July 2001. The Government explained that Mr. Mohamd Fuad Mohd Ikhwan and Mr. Khairul Anuar Ahmad Zainuddin were taken into custody in order to assist the Royal Malaysian Police in its investigations pertaining to credible threats to the public order and internal security of Malaysia. The Government also said that they were released unconditionally on 16 and 28 July 2001, respectively.

Information received

188. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Observations

189. The Special Rapporteur thanks the Government of Malaysia for its replies and willingness to cooperate with the mandate, but he awaits further responses to his communications dated 12 October 2001 and 27 November 2001.

Maldives

Communication sent

190. The Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal on 29 October 2001 concerning the arrest of Mohamed Nasheed, a member of Parliament for Male' Atoll, on 8 October 2001. Mr. Nasheed was taken to Male' police station and held incommunicado since 14 October 2001 without being charged. The Special Rapporteur expressed fears that his arrest might have been politically motivated, since Mohamed Nasheed was a signatory to a petition handed over to the Minister of Home Affairs on 28 February 2001, requesting permission to set up a political party, the Maldivian Democratic Party. So far, such permission had not been granted.

Observations

191. A response from the Government is still awaited.

Myanmar

Communications sent

192. On 5 December 2000,* the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal regarding the imprisonment,

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* For technical reasons, this communication was not included in the 2001 report (E/CN.4/2001/64).

since 1994 and 1996, respectively, of San San Newh, editor of two journals, *Ppade-tha* and *Einmet-hpu*, and founder of the National League for Democracy (NLD), and Nyein Chan, member of the Democratic Party for New Society and the All Burma Federation of Students Union. San San Newh was accused of issuing anti-Government reports to a French journalist and providing information about the situation of human rights in Myanmar to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and sentenced to 10 years' imprisonment. Nyein Chan was sentenced to seven years' imprisonment with hard labour, after being tried by a special court without legal defence.

193. On 5 February 2001, the Special Rapporteur transmitted an urgent appeal with regard to the sentencing on 20 December 2000 by a military court of Aung Myint, a journalist, poet and head of the information department of the NLD in Yangon, and Kyaw Sein Oo, an opposition activist, to 21 years' imprisonment and 7 years' imprisonment, respectively. They were arrested on 14 September 2000 after writing a press release, which they distributed to international press agencies and foreign embassies in Yangon, concerning the arrest of NLD leader Aung San Suu Kyi as she was trying to leave Yangon in September 2000. Aung Myint was charged with violation of the State Protection and Emergency Provision Acts, while Kyaw Sein Oo was charged under the Printers and Publishers Registration Act.

194. The Special Rapporteur transmitted a communication on 24 October 2001 concerning four cases of detention and conviction of journalists for having "distributed information hostile to the State", owning undeclared video cameras, talking with foreign journalists or sending information to Burmese media in exile. Win Tin, former editor-in-chief of the newspaper *Hanthawathi*, author of many articles against the regime and close adviser to Aung San Suu Kyi, was arrested on 4 July 1989, placed in detention in Insein prison and sentenced to 20 years in prison. He was held in a special section of Insein prison, in cell 10, but his very poor health forced the authorities regularly to transfer him to the prison hospital. During the 12 years he has spent in jail so far, Win Tin suffered two heart attacks and underwent one operation. The second case concerns Myo Myint Nyein, who was arrested on 12 September 1990 and convicted, in November 1990, for publishing in the magazine *Yin-Kyae-Hmu*, of which he was co-editor, an article entitled "What is going on?", and in March 1996 to seven years in prison for participating in the creation of underground magazines in Insein prison. The Special Rapporteur also expressed his concern at the arrest by members of the Military Intelligence Service (MIS) of Yan Aung Soe in October 1998, and his sentencing to 59 years in prison by a special court for being "in contact with foreign organizations". Yan Aung Soe is known for his articles on education published between 1994 and 1997 in semi-legal university journals (*Unity*, *New Century*, etc.), then in private magazines such as *Thought and Your Life*, under the pen name Thu-rein-htet-linn. An activist in student associations and the NLD since the age of 15, he was in charge of writing and distributing leaflets for these organizations. He was tortured during his interrogation at an MIS centre and is currently held in Myaungmya prison. Finally, the Special Rapporteur considered the case of Aung Zin Min, staff editor of the private magazine *New Style*, who had been imprisoned in Tharrawaddy since May 1997, after serving several months in Insein prison. He was arrested in December 1996, together with journalist Cho Seint, and sentenced to seven years for supporting the student demonstrations of 1996 in his articles and poems, published in the magazine *New Style*.

Communication received

195. In reply to the concerns expressed by the Special Rapporteur and the Chairman-Rapporteur of the Working Group on Arbitrary Detention in the communication dated 5 December 2000, the Government sent a letter on 14 March 2001. The Government explained that Daw San San New wrote anti-Government articles, news comments and false allegation against the Myanmar Government and tried to dispatch them to foreign news agencies. She also communicated with anti-Government groups, had secret contacts with the expatriate Sein Win group and participated in the group's demonstrations against the Government. The Government also said that Daw San San New was given adequate medical treatment when she complained about swollen glands in her throat. Moreover, she was allowed to visit her family at her home three times; on each visit she was allowed to stay five hours. The Government further explained that at the moment Daw San San New is serving her sentence in Insein prison and her health is sound, mentally and physically.

Observations

196. The Special Rapporteur thanks the Government of Myanmar for its replies and for its willingness to cooperate with the mandate. He remains concerned, however, about the situation of Myo Mynint Nyein, Aung Zin Min, Cho Seint, Aung Myint, Kyaw Sein Oo, Yan Aung Soe and he awaits further responses to his communications dated 5 February 2001 and 24 October 2001.

Nauru

Communication sent

197. On 13 August 2001, the Special Rapporteur transmitted an urgent appeal regarding the case of Michael Field, a South Pacific correspondent for Agence France-Presse, who had been denied permission to enter Nauru by the Secretary for Foreign Affairs, Mr. Angie Itsimaea. Michael Field was denied accreditation to cover the upcoming Pacific Forum Summit, to be attended by the heads of 16 countries in the Pacific region and scheduled to begin on 14 August 2001 in Nauru. Nauru officials did not provide any reason for the ban against Mr. Field. However, fears were expressed that this prohibition was a result of Michael Field's reports on offshore banking, including money-laundering activities through Nauru.

Observations

198. No reply from the Government has been received so far.

Nepal

Communications sent

199. On 24 January 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent another urgent appeal (see below) regarding the arrest of Purna Poudel, General Secretary of the All Nepal National Free Students Union (ANNFSU), a student

organization affiliated with the Communist Party of Nepal (Maoist) (CPN), and the following members of this organization: Shadhuram Devkota, Shova Khanal (f), Phanindra Devkota, Yubaraj Bhattarai, Deepak Devkota, Khrishna Kumar Malla, Madhav Adhikari, Sagar Sapkota, Hem Ghimirey, Shailendra Devkota, Atindra Neupane, Chetnath Dhungaga and Yagya Kharel. They had disappeared after being arrested on 28 December 2000, after a demonstration in Kathmandu and other districts to protest against negative remarks made by an Indian film star about Nepal and Nepalese people. According to the testimony of two other students, Keshar Raj Rimal and Munal Khadka, who were arrested at the same time and later released, they were tortured at the Hanuman Dhoka police station during the first few days following their arrest.

200. The Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal on 2 February 2001 concerning the detention of Purna Poudel and other members of ANNFSU. Following their arrest they were brought before officials at the district administration office in Kathmandu on 30 January 2001. On 29 January, 15 of the above-named persons were reportedly coerced into signing statements which they were not allowed to read and which were used by police to obtain extensions of the detention orders against them. As none of the students could pay the 10,000 rupees bail set by the district administration, they were remanded in custody in Central Jail, Kathmandu. These persons were not allowed access to their families or lawyers. Moreover, they were subjected to torture and other forms of ill-treatment during their detention.

201. On 7 June 2001, the Special Rapporteur sent an urgent appeal jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention regarding the arrest and detention of Yubaraj Ghimirey, Binod Raj Gyawali and Kailash Sirohiya, respectively editor-in-chief, director and managing director of the newspaper *Kantipur*. The three journalists were arrested on 6 June 2001 in the offices of *Kantipur* by plain clothes policemen and brought in an unmarked vehicle to the Hanuman Dhoka police station in Kathmandu. Their arrest was believed to be connected with the publication of an article in *Kantipur* on the same day, signed by Dr. Baburam Bhattarai, one of the leaders of the CPN, in which Dr. Bhattarai had urged the Nepalese people not to recognize the new King. The three journalists were charged with fomenting hatred, malice or contempt towards the King, under the 1989 Anti-State Crime and Punishment Act.

202. On 30 November 2001, the Special Rapporteur sent an urgent appeal concerning the arrest of nine editors, journalists and computer operators working for three publications, *Janadisha Daily*, *Janadesh Weekly* and *Dishabodh Monthly*. The following men were reportedly arrested at their offices in Kathmandu on 26 November 2001, on suspicion of being members or sympathizers of the CPN: Om Sharma, editor of *Janadisha Daily*, Deepak Mainali, computer operator for *Janadisha Daily*, Govinda Acharya, editor of *Janadesh Weekly*, Khil Bahadur Bhandari, executive editor of *Janadesh Weekly*, Deepak Sapkota, reporter for *Janadesh Weekly*, Ram Bhakta Maharjan, computer operator for *Janadesh Weekly*, Ishwor Chandra Gyawali, executive editor of *Dishabodh Monthly*, Manarishi Dhital, working for *Dishabodh Monthly*, Nim Bahadur Budhathoki, computer operator for *Dishabodh Monthly*. They were allegedly held at a police barracks near the Police Training Centre in Maharajgunj, Kathmandu. Furthermore, the above-mentioned persons were arrested under the Terrorist and Disruptive Activities (Prevention and Control) Ordinance 2001, which had been announced by

the Government that day. On 28 November 2001 the Minister for Information and Communications reportedly issued directives to the media not to publish news, articles, interviews, audio-visual or reading materials "that are likely to promote and instigate violent and terrorist activities". Therefore, it is believed that the persons arrested might be linked to the fact that the Government suspects the publications they work for are mouthpieces of the CPN (Maoist).

Communications received

203. In a letter dated 28 February 2001, the Government of Nepal replied to the concerns the Special Rapporteurs raised in their communication of 2 February 2001. The Government explained that Purna Poudel, Shadhuram Devkota, Shova Khanal, Phanindra Devkota, Yubaraj Bhattarai, Deepak Devkota, Khrishna Kumar Malla, Madhav Adhikari, Sagar Sapkota, Hem Ghimirey, Shailendra Devkota, Atindra Neupane, Chetnath Dhungaga, Yagya Kharel, Keshar Raj Rimal and Munal Khadka were found disturbing the peace at a public place in Bhurungkhel of Kathmandu district and also mistreating security personnel on 28 December 2001. Sagar Sapkota, who was not found to be involved, was released immediately, while the others were put in the Central Jail. The Government also said that the above-mentioned persons were all found to be involved in explosions in Nepal. The Government also assured the Rapporteurs that nobody had been subjected to any kind of torture.

204. In reply to the communication dated 7 June 2001, the Government sent a reply on 13 June 2001. The Government explained that the Crime Against the State and Punishment Act of 1978 formulated under the Constitution prohibits immunity for crimes against the sovereignty and integrity of the Kingdom of Nepal or sedition, and it becomes the primary duty of the State to initiate legal action and punish anyone found to violate the Act.

205. On 3 December 2001, the Government acknowledged receipt of the communication of 30 November 2001 and informed the Special Rapporteur that the communication had been transmitted to the competent authorities.

Observations

206. The Special Rapporteur thanks the Government for its reply and for acknowledging receipt of his communication of 30 November 2001. However, he awaits information concerning the situation of Yubaraj Ghimirey, Binod Raj Gyawali and Kailash Sirohiya.

New Zealand

Information received

207. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Pakistan

Communications sent

208. On 5 February 2001, the Special Rapporteur transmitted an urgent appeal concerning the closing down of the Peshawar-based daily *Frontier Post*. The Government of the North West Frontier Province decided on 29 January 2001 to seal the newspaper's offices indefinitely following the publication on the same day of a letter to the editor entitled "Why do Muslims hate Jews?" which reportedly contained derogatory references to the Prophet Muhammad. It was alleged that, as the letter had been sent by electronic mail and did not contain any address, staff had published the letter as an act of sabotage with the intention of harming the newspaper. In the same communication, the Special Rapporteur voiced his concern at the arrest by police of five staff members of the *Frontier Post*, namely Aftab Ahmed, news editor, Imtiaz Hussain, chief reporter, Qazi Sarwar, columnist, Waijul Hasan, computer operator, and Munwarul Hasan, layout preparer, on 29 January 2001. The five, allegedly detained at the police station in Peshawar, were arrested under section 295-C of the Blasphemy Law which carries the death penalty or life imprisonment. In addition, accusations of blasphemy were also brought against Mehmood Afridi and Syed Javed Nazir, respectively managing editor and co-editor of the *Frontier Post*, who went into hiding.

209. The Special Rapporteur sent an urgent appeal on 15 June 2001 regarding the closing down in the North-West Frontier Province Urdu-language daily *Mohasib* and the arrest of four staff members of the daily on 4 June 2001, namely, Muhammad Zaman, the editor, Shahid Chaudry, the managing editor, Shakil Tahirkheli, the news editor, and Raja Haroon, a sub-editor. The measures followed the publication on 29 May 2001 of an article entitled "The Beard and Islam", by poet Jamil Yousaf, which contested the view of certain Muslim clerics that a beardless man cannot be a good Muslim. The article criticized the exploitation of religious faith for personal gain. Following demonstrations by various Islamic organizations against the article and demanding that Jamil Yousaf and the *Mohasib* staff be put to death, the local authorities formally arrested the four journalists and charged them under the Blasphemy Law.

210. On 21 June 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal concerning the detention of about 35 political activists around 7 June 2001, who were arrested after staging an apparently peaceful political protest in the State of Azad Jammu and Kashmir. Twenty-seven members of the Jammu Kashmir Liberation Front and several members of the United Kashmir People's National Party, both of which favour independence for Jammu and Kashmir, were amongst those arrested. Several detainees were beaten upon arrest, in police custody or in jail. Most of them were detained under legislation which permits the detention of anyone making a speech which "causes or is likely to cause fear or alarm to the public" or "furthers or is likely to further any activity prejudicial to public safety or maintenance of public order". It is reported that they had protested against the Election Commission's decision to reject their candidates' nomination papers for the Legislative Assembly election on 5 July, allegedly because they refused to sign a declaration in support of Azad Jammu and Kashmir becoming part of Pakistan.

211. The Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal on 15 October 2001 concerning the detention in Peshawar of Aziz Zemouri, a reporter for *Figaro Magazine*, by the Pakistani Immigration Department. Mr. Zemouri was arrested in Afghanistan by the Taliban while trying to cross the border between Pakistan and Afghanistan illegally. In the same communication, the Special Rapporteurs expressed their concern at the situation of Muhammad Iqbal, Syed Karim and Rifatullah Orakzai, journalists from the tribal areas, who had been jailed since 5 October in Peshawar. The three journalists were arrested with Olivier Ravanello and Marcan Tetti, two reporters from the French news channel LCI, near the Afghan border. The two French journalists were released on 8 October, following intervention by the French embassy in Pakistan.

Communication received

212. In a communication dated 1 May 2001, the Government replied to the concerns expressed by the Special Rapporteur in his communication dated 5 February 2001. The Government explained that, following the publication of the letter entitled "Why Muslims hate Jews?", the District Administration of Peshawar put the offices of the *Frontier Post* into protective custody and arrested five of its staff members after registering a case under the Pakistani Penal Code. The Government established a tribunal headed by a judge of the Peshawar High Court in response to a call by the Council of Pakistan Newspaper Editors and the All Pakistan Newspapers Society on 30 January 2001. All the staff of the *Frontier Post* were summoned by the tribunal, which also found that the newspaper was being mismanaged. The Government also informed the Special Rapporteur that the publication of the letter was attributable to the sub-editor, Munawar Mohsin Ali, whose mental condition was not sound.

Observations

213. The Special Rapporteur thanks the Government of Pakistan for its reply, but awaits further responses to his communications dated 15 and 21 June 2001 and 15 October 2001.

Visit

214. The Special Rapporteur would like to reiterate his wish to undertake, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, a visit in the context of a joint mission to both Pakistan and India, as expressed in letter dated 6 October 2000.

Philippines

Communication sent

215. On 6 June 2001, the Special Rapporteur transmitted a communication regarding the assassination of Candelario Cayona, commentator at radio station DXLL, on 30 May 2001. Three men ambushed Mr. Cayona on his way from home to the radio station. The journalist,

who was on his motorcycle, was killed by four gunshots. Before his murder, Mr. Cayona had received several death threats and, despite having reported them to the police, no protection was assigned to him. His assassination may be linked to his journalistic work, as he often criticized local politicians, the security forces, as well as Muslim separatist guerrillas.

Observations

216. A response from the Government is still awaited.

Republic of Korea

Communications sent

217. On 4 September 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal with regard to the detention by the National Intelligence Services of six members of the Pan-National Alliance for the Reunification of the Fatherland, or Beomminreon, namely Kang Jeong-goo, professor at Dongkuk University; Kim Kyu-cheol, Vice Chairperson of Beomminreon; Mun Jae-ryong, Vice Chairperson of the Seoul regional branch of Beomminreon; Kim Seo-chang, Central Committee member of Beomminreon; Lim Dong-kyu, Chairperson of the Kwanjiu-Chonnam regional branch of Beomminreon; Park Jong-hwa, General Secretary of the Kwangju-Chonnam regional branch of Beomminreon. They were taken for questioning from Kimpo airport as they returned from a meeting held from 15 to 21 August 2001 in Pyongyang, Democratic People's Republic of Korea, to celebrate the fifty-sixth anniversary of Korean independence from Japanese colonialism. The six detainees were at risk of being charged both with participation in the Liberation Day meeting and for having contacted the North Korean Youth League. In the same communication, the Special Rapporteur expressed his concern about the detention of Kang Joeng-goo, a Dongkuk University professor in Seoul, who was charged with praising the late North Korean President Kim Il-Sung and the National Defence Commission Chairman Kim Jong-il.

218. The Special Rapporteur sent an urgent appeal jointly with the Special Representative on human rights defenders on 2 November 2001 with regard to the arrest of Dan Byuong-ho, President of the Korean Confederation of Trade Unions (KCTU), in June 2001 for leading the KCTU campaign for workers rights in 2001. Dan Byuong-ho had previously been imprisoned in connection with his efforts to promote basic labour standards, but was released in August 1999 as a part of the general presidential amnesty. At that time, he still had two months and four days left of his sentence. Despite the fact that an agreement was reached between the KCTU and the Government on 2 August 2001, according to which Dan Byuong-ho would return to prison to serve his remaining time and the authorities would stop bringing new charges against him in relation to the KCTU's campaign in 2001, on 28 September 2001, a few days before his release on 3 October 2001, the authorities issued a new arrest warrant to continue to hold Dan Byuong-ho in detention for investigation and trial. Since then, Dan Byuong-ho has remained in prison, and the authorities denied that an agreement between the Government and the KCTU ever existed.

Communication received

219. In a communication dated 22 October 2001, the Government replied to the concerns expressed in the communication dated 4 September 2001. The Government explained that Kang Jeong-goo, Kim Kyu-cheol, Mun Jae-ryong, Kim Seo-chang, Lim Dong-kyu and Park Jong-hwa were arrested and charged with violation of the relevant law of the Republic of Korea, and judicial proceedings were under way in a fair and transparent manner.

Observations

220. The Special Rapporteur thanks the Government of the Republic of Korea for its reply, but awaits further response to his communication dated 2 November 2001.

Sri Lanka*

Communications sent

221. On 28 September 2001, the Special Rapporteur transmitted a communication concerning the following cases: (a) Subramaniam Thiruchelvan, a correspondent for the governmental press group Lakehouse Newspapers and the Tamil newspaper *Valampuri*, was arrested in Point Pedro, Jaffna district, after an anonymous petition was sent accusing him of collecting money for the LTTE. The journalist was arrested under Emergency Regulations 18 and 19, which allow the authorities to detain without charge for six months, and beaten with a pipe several times by policemen. A hearing was to take place on 16 March 2001 but was postponed. On 30 March 2001, Mr. Thiruchelvam was released on the order of the Attorney General for lack of evidence (b) A.S.M Fasmi, a reporter for the Tamil-language newspaper *Thinakkural*, was reportedly detained, interrogated and threatened repeatedly with death since he reported on the alleged rape of two Tamil women detained by local security forces in April 2001. On 21 March 2001, the same day as Mr. Fasmi's report on the rape charges appeared in *Thinakkural*, intelligence officers from the 21-5 army brigade in Mannar summoned the journalist for interrogation and accused him of plotting to bribe members of the armed forces and thereby tarnish their image. A.S.M. Fasmi was transferred to the crime branch of the Mannar police (c) Upendra Chitral Alwis, a reporter for a television news programme, was allegedly manhandled and verbally abused by officers belonging to a special police unit while covering a murder case on 12 June 2001 in Colombo city; (d) Aiyathurai Nadesan, a veteran journalist in Batticaloa, Vice-President of the Sri Lanka Tamil Media Alliance and recipent of the Best Journalist of 2000 prize awarded by the Sri Lanka Editors' Guild, was summoned on 17 July 2001 to the office of Colonel Manawaduge, the commander of the 23-3 battalion in Batticaloa, threatened and accused of writing solely anti-Government and anti-military news and articles; (d) a bomb exploded on 3 April 2000 at the home of Nellai G. Nadesan, a Batticaloa-based columnist for *Virakesari*, the country's leading

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* The Special Rapporteur had been invited to undertake a visit to Sri Lanka from 27 November to 2 December 2001. In that connection he sent three letters of allegation. In view of the elections to be held on 5 December 2001 in Sri Lanka, the Special Rapporteur decided, after consultations with the Government, to postpone his misson.

Tamil-language newspaper. Those responsible for the incident were linked to pro-Government Tamil paramilitaries. Mr. Nadesan had received a telephone death threat after his paper ran an article in March 2000 about atrocities committed by a member of the People's Liberation Organization of Tamil Eelam (PLOTE), an armed Tamil group that supports the Government's battle against separatists. Mr. Nadesan had not written the article, although he had regularly written about the activities of PLOTE and other pro-Government Tamil groups in Batticaloa; (e) S.M. Gopalratnam, editor of *Thinakathir*, the only Tamil daily in eastern Sri Lanka, and sub-editor K. Rushankan were summoned by Colonel Manawaduge who accused them of supporting the LTTE; (f) on 23 May 2001 the Colombo offices of the Sinhala-language weekly *Ravaya* and the Tamil-language weekly *Athavan* were bombed by unidentified persons. The incident, which caused no material damage or injuries, was apparently a "warning" linked to the newspapers' critical reporting, specifically in connection with impeachment proceedings against Supreme Court Chief Justice Sarath Silva. According to police sources, the smoke bomb used by the attackers is reportedly only available to Sri Lankan security forces. Previously, *Ravaya* had reportedly been critical of the Government and had played an important role in the impending impeachment motion against the Chief Justice; (g) on 23 February 2001 by the State-run *Daily News* and *Dinamina* accused two opposition parties, the United National Party (UNP) and the People's Liberation Front (JVP), of conspiring to overthrow the Government. The article in *Dinamina* also mentioned the names of Saman Wagarachchi, editor of *Peramuna*, and Sujeewa Gamage, editor of *Peraliya*. Moreover, on 28 February 2001, the *Peraliya* office in Colombo was set on fire by unidentified persons. Mr. Gamage and other members of the staff had received several threats prior to this incident, and afterwards Mr. Wagarachchi received threats over the telephone; (h) Sri Lankan authorities allegedly intimidated Victor Ivan, a journalist honoured for his work by the University of Colombo and editor-in-chief of *Ravaya*. After five criminal defamation cases were filed against him, Mr. Ivan filed a number of petitions to have the charges dismissed and was fighting a complex legal action over a *Ravaya* article alleging the rape of a woman by a magistrate. All of the criminal defamation charges were brought under either section 479 or section 480 of the Sri Lankan Penal Code; (h) the Special Rapporteur raised concern at the lack of progress in the case involving Iqbal Athas, defence columnist for *The Sunday Times*, and his alleged harassment by two air force officers who have been indicted for criminal intimidation, criminal trespass and unlawful entry into the journalist's home. These acts were allegedly in retaliation for a series of exposés Mr. Athas had written for *The Sunday Times* about corruption in the military and irregularities in the air force's weapons procurement practices. On 12 February 1998, five armed men entered Mr. Athas' home and threatened him and his 7-year-old daughter at gunpoint. Two Sri Lankan air force officers, squadron leaders H.M. Rukman Herath and D.S. Prasanna Kannangara, identified by Mr. Athas and his wife as being among the five intruders, were indicted on criminal charges but were released on bail. The case has been postponed seven times. Since the attack, the administration has provided security for Mr. Athas and his family; (i) on 17 June 2001, several State-owned media outlets, the Tamil-language daily *Thinakaran*, the Sinhala-language daily *Divaina* and the English-language *Daily News*, published a press release accusing four journalists of "maintaining secret connections with the LTTE". These journalists are P. Seevagan, who reports for the BBC's Tamil service and heads the Tamil Media Alliance; Roy Denish, defence correspondent for *The Sunday Leader*; Saman Wagaarachchi, editor of the *Leader*'s Sinhala-language counterpart, *Irida Peramuna*; and D. Sivaram (alias "Taraki"), an outspoken freelance columnist. All these journalists were reportedly listed in the online magazine, *The Global Spy Magazine*, as LTTE spies or sympathisers. The front page article in *Thinakaran* alleged that Mr. Wagaarachchi had been involved in the murder of two men who had been accused of treason by the LTTE. Under Sri Lankan law, the LTTE is a proscribed organization and membership is a criminal offence. On 18 June 2001, two men attempted to enter Mr. Sivaram's Colombo home; (j) a group of journalists, members of the Free Media Movement (FMM), were threatened by an armed group allegedly members of the Presidential Security Division (PSD); (k) on 26 March 2001, the Director of Information issued an order preventing the television channel TNL from showing the layout of the new presidential palace during a programme on this. The action taken by the Government, on the grounds of national security, had aimed at preventing a debate from taking place. Although the Supreme Court had previously directed the Director of Information to provide guidelines for the maintenance of regulations on censorship of war-related information and news, he has not yet complied with this directive.

222. On 1 October 2001, the Special Rapporteur transmitted a communication concerning the following murders. On 2 November 1999, Atputharajah Nadarajah, chief editor of the Tamil-language tabloid weekly *Thinamurasu* and an MP for the Jaffna district and representative of the Ealam People's Democratic Party, was shot dead by unidentified gunmen in Colombo. His driver was also killed. Mr. Nadarajah had in the past year veered his paper towards support of the nationalistic Tamil Tigers and away from the majority Sinhalese parties. Another case concerns the killing, on 7 September 1999, of Rohana Kumara, editor of the pro-UNP (United National Party) opposition tabloid, *Satana* (*Battle*), by unidentified assailants in a suburb of Colombo. Mr. Kumara was known for his exposés of government corruption. Furthermore, the Special Rapporteur expressed his concern about the murder on 31 December 1999 of Anthony Mariyadasan, a journalist working for the State-run Sri Lanka Broadcasting Corporation, by a group of armed people in Vavuniya. Witnesses suggested that the gunmen were LTTE guerillas. Finally, the Special Rapporteur raised concern about the murder on 19 October 2000 of Mailvaganam Nimalaranjan, correspondent of the Tamil daily *Virakesari* and regular contributor to the BBC and several other international media, by unidentified attackers.

223. The Special Rapporteur transmitted a communication on 10 October 2001 regarding the case of Elmo Fernando, Colombo correspondent for the BBC, who was reportedly set upon during a demonstration organized on 6 April 2000 by the National Movement against Terrorism and Sinhalese extremist organizations. In the same communication, the Special Rapporteur considered the case of the arrest on 28 May 2000 of Arul Sathiyanathan, a journalist with the Tamil Government-owned daily *Thinakaran*. The reporter, who is of Tamil origin, was suspected of having ties with the LTTE. The case of Mr. Srivagan and Mervin Maheshan, the two organizers of a training seminar for Tamil journalists in Batticaloa who were threatened by anonymous callers who accused them of being spies for the LTTE on 22 April 2001, was also considered by the Special Rapporteur. R. Thurairatnman, correspondent for the Tamil dailies *Thinakaran* and *Daily News* and the public sector broadcasting corporation SLBC in Batticaloa, was questioned by members of the anti-subversion police unit regarding his participation in the seminar. Furthermore, the Special Rapporteur expressed his concern about the interruption, on 11 May 2000, by the management of the Government-owned Sri Lanka Broadcasting Corporation (SLBC), of the programme "Sandesaya", produced by the Sinhalese and Tamil

services of the BBC and broadcast by the SLBC. On the same day, BBC and CNN reports on Sri Lanka, broadcast on TV news on the first channel of the SLBC, were censored. The Special Rapporteur also noted with great concern that from 15 to 31 May 2000, Ariya Rubasinghe, director of censorship, sent letters of warning to five publications that had not complied with emergency regulations. Two Sinhalese-language newspapers, *Lankapida* and *Divaina*, and three English-language publications, *The Daily Mirror*, *The Island* and *The Sunday Leader*, were accused by the authorities of publishing articles on the appointment of a new commander-in-chief of the armed forces without submitting them for approval. Another case of concern was the questioning, on 18 May 2000, by nine armed police officers of Namal Perera, news editor at the privately owned television channel TNL at his Colombo home. He was suspected of violating censorship laws. According to the director of censorship, "TNL informed television viewers about an attack without being authorized to do so". The attack, in which 23 persons died, occurred in Batticaloa. Furthermore, the Special Rapporteur raised concern at the banning of *Uthayan*, a newspaper published in Jaffna, on 20 May 2000, for publishing military information without checking it with the relevant authorities. The chief censorship officer explained that "this newspaper acted maliciously and to our detriment by publishing information favourable to the LTTE". The Special Rapporteur also noted with great concern that the weekly *The Sunday Leader* and its Singhalese-language equivalent, *Irida Peramuna*, were banned on 22 May 2000 for six months by the censorship office for denouncing corruption within the Government and for questioning a French degree awarded to the President. Ten editors lodged an appeal with the Supreme Court. On 26 June the President reduced the ban on *The Sunday Leader* and its Sinhalese edition to three months. On 30 June, the Supreme Court ruled that the director of censorship was not authorized to censor articles or close newspapers. Censorship was therefore illegal and the judges ordered the Government to pay US$ 1,500 in damages to the owner of *The Sunday Leader*. On 5 September the Government revoked regulations 12 (1) and 14 which imposed censorship. The case of Keerthi Kalamegam, a journalist with the *Sunday Observer*, who decided to go into exile in India because he felt threatened by killers, was also considered in the communication. Author of the book *Goodbye Chandrika*, the journalist had lost his job for his "overcritical" comments about the President. Finally, in the same communication, the Special Rapporteur raised concern about the following case. On 5 September 2000, Sinha Ratnatunga, publisher of the independent newspaper *The Sunday Times*, was given a two-year suspended jail sentence after appealing against an initial verdict. The journalist was found guilty in 1997 of libelling Chandrika Kumaratunga.

Observations

224. The Special Rapporteur thanks the Government for its invitation and hopes to receive replies before his visit to Sri Lanka next year.

Visit

225. Following its letter dated 29 April 1998 and 10 November 1999, the Government has extended an invitation this year. The Special Rapporteur was supposed to travel on official mission from 27 November to 2 December 2001. Owing to the elections, the mission was postponed. The Special Rapporteur intends to visit Sri Lanka in early 2002.

Syrian Arab Republic

Communications sent

226. Together with the Special Rapporteur on torture, the Special Rapporteur sent an urgent appeal on 28 March 2001 concerning the arrest of Nizar Nayyouf, journalist with the monthly *Sawt el Demokratia* and a member of the Committee for the Defence of Democratic Freedom in Syria (CDF) in January 1992. Mr. Nayyouf was sentenced by a military court to 10 years at forced labour for being a member of an unauthorized organization and for disseminating false information. The Special Rapporteurs referred to the joint communications sent on 26 April 1999 and 26 May 2000 on his case. Since then, Mr. Nayyouf, who is held in Seydnaya prison in Damascus, had reportedly lost a significant amount of weight and also been diagnosed with a malignant tumour of the glands for which he had not received continued or appropriate treatment. Moreover, his family had periodically been prevented from visiting him.

227. On 13 August 2001, the Special Rapporteur transmitted a joint urgent appeal with the Special Rapporteur on torture and the Special Representative on human rights defenders with regard to the arrest of the independent member of Parliament and human rights defender Mamun al-Humsi on 9 August 2000. He was taken to the Adtra prison, where he was held incommunicado, and charged with offences including "insulting the Constitution, opposing the Government and involvement in intelligence with foreign quarters" by the Supreme State Security Court. These offences carry sentences of up to 15 years' imprisonment. Mamun al-Humsi, who has represented a Damascus constituency for 11 years, had begun a hunger strike at his office some 48 hours before he was arrested, in protest against the continued application since 1963 of the Syrian emergency laws, under which the authorities have sweeping powers to suppress dissent. On 9 August 2001, dozens of armed police officers stormed his office in the National Assembly building in Damascus.

228. The Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Representative on human rights defenders, sent an urgent appeal on 14 September 2001 concerning the arrest of the following nine political opposition activists: Riad Turk, a 71-year-old lawyer and the First Secretary of the Politburo of the Syrian Communist Party (arrested on 1 September); Riad Seif, a 54-year-old parliamentarian from Damascus (arrested on 6 September); Kamal Labouani, a 44-year-old doctor and member of the administrative council of the Committee for the Defence of Human Rights (CDF) and the editorial committee of the publication *Amarji* (arrested on 9 September); Aref Dalila, a Damascus University professor and founding member of the Commission for the Rebirth of Civil Society (CRSC) movement (arrested on 9 September); Habib Saleh, a 52-year-old businessman from Tartus and CRSC activist (arrested on 9 September); Hassan Sa'Doun, from the Al-Hassaka region of northern Syria and "national dialogue" forum activist (arrested on 9 September); Walid Al-Bouni, a doctor and organizer of the "national dialogue" forum (arrested on 9 September); Habib Issa, a lawyer and spokesperson for the *Jamal Attassi* (arrested on 12 September); Fawaz Tello, an engineer and member of the "national dialogue" forum (arrested on 12 September). Riad Turk, arrested at a doctor's office where he was receiving treatment

following heart problems, had previously spent 18 years in prison without having been tried. Dr. Walid Al-Bouni and Dr. Kamal Labouani were arrested at their respective homes, having attended a political seminar held in Riad Seif's house on 6 September. Habib Saleh was arrested in Tartus.

Observations

229. The Special Rapporteur regrets that no reply had been received from the Government at the time the report was finalized.

Thailand

Information received

230. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Turkmenistan

Communication sent

231. On 22 May 2001, the Special Rapporteur transmitted a joint urgent appeal with the Special Rapporteur on torture with regard to the detention of Dmitry Melnichenko, a member of the Evangelical Baptist Church in Ashgabat, consequent to his refusal to carry arms and swear an oath of military allegiance for reasons of conscience. Dmitry Melnichenko was called up for military service on 10 May 2001 and, after he declared himself a conscientious objector, was taken to a military unit in the town of Serdar in the Kizyl-Arvat district. On 15 May 2001, he was brought to the local offices of the National Security Committee where he was beaten on various parts of his body, including the head, with a truncheon. He was also insulted and humiliated before being subjected to electric shocks through wires attached to his head. On 16 May 2001, he was transferred back to the military unit in Serdar.

Observations

232. A response from the Government is still awaited.

Uzbekistan

Communications sent

233. On 4 September 2001, the Special Rapporteur sent an urgent appeal jointly with the Special Representative on human rights defenders concerning the detention of Ruslan Sharipov, President of the Union of Independent Journalists of Uzbekistan, on 31 August 2001, by officials

from the Kibrayskiy internal affairs department who confiscated his passport and journalist's card. The internal affairs officials interrogated Mr. Sharipov and accused him of being involved in terrorist activities. In the proceeding months, members of Mr. Sharipov's family had also been intimidated by the same officials. The harassment was linked to the human rights activities of Mr. Sharipov, in particular his publication of articles entitled "Shadow of independence" relating, inter alia, to persecution of Muslims, torture of prisoners, corruption and intimidation of journalists in Uzbekistan.

234. The Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Representative on human rights defenders, transmitted an urgent appeal on 2 November 2001 concerning the arrest on 23 October 2001 of Yusuf Juma, poet, journalist and active member of The Popular Movement Birlik on Uzbekistan. He was arrested in Bukhara district by the Security Service of Uzbekistan (SSU), whose agents searched Mr. Juma's house and confiscated many poems written by him and his daughter. These poems criticized government policies and referred to police violence, impunity and corruption. Mr. Juma was accused of anti-government activities and charged under article 159 of the Criminal Code for having published some of these poems on a web site.

Observations

235. No reply from the Government has been received so far.

III. EASTERN EUROPE

236. During the period under review, the Special Rapporteur sent five allegations and four urgent actions to the Governments of five countries.

237. Jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, he sent one urgent appeal, with the Special Rapporteur on torture, four allegations, with the Special Representative on the human rights defenders, one urgent appeal and one letter of allegation.

238. These communications were sent on behalf of 132 persons, including 10 women. Moreover, the cases concerned one newspaper, three media outlets and one demonstration. Further to his communications, the Special Rapporteur received a total of three replies from one Government (see annex III).

Armenia

Communication sent

239. On 20 August 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication regarding Vahagn Ghukasian, a journalist, who was beaten on 6 June 2000 by officers of the Ministry of Internal Affairs consequent to the publication of an article critical of some Armenian law enforcement bodies. Officials from the Ministry of

Internal Affairs, after searching Vahagn Ghukasian's home, confiscated floppy discs containing the text of his brochure entitled "Observer's version" about the events of 27 October 1999, when a number of senior officials were shot dead in the Armenian Parliament. In the same communication, the Special Rapporteurs also expressed concern about the detention of Rafik Tononian, a young Jehovah's Witness from Gegharkunik region, consequent to his refusal to perform military service in connection with his religious beliefs. He was violently assaulted on 28 August 2000, when he voluntarily presented himself at the District Department of Internal Affairs in the city of Martuni. He was verbally abused and beaten by police officers, and, as a result, suffered severe pain in his knees. Rafik Tononian was subsequently transferred to Sovetashen pre-trial prison in Yerevan and sentenced to two years' imprisonment on 1 November 2000 by a court of first instance in Martuni. To the Special Rapporteurs' knowledge, he is currently serving this term in a corrective labour colony in Kosh.

Observations

240. A response from the Government is still awaited.

Azerbaijan

Communications sent

241. On 10 October 2001, the Special Rapporteur sent an urgent appeal regarding the judicial closure of the newspaper *Femida* on 1 October 2001, following a law suit initiated by Tofig Karimov, the deputy prosecutor of the Nasimi district. The Yasamal district court imposed a fine of 2 million azeri mantas on the *Femida* and ordered its closure for having published an article accusing Mr. Karimov of working for the State Security Committee. Mr. Karimov, acting as deputy prosecutor, also filed criminal charges against the editor-in-chief of the newspaper and the journalist who wrote the article. Three other newspapers were closed down by court order in September.

242. On 20 September 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, transmitted a communication concerning cases of attacks on at least 120 persons, including seven women and two journalists, by policemen in Baku on 19 and 20 April 2001, during a rally held by the Azerbaijan Democratic Party (ADP) calling for the release of alleged political prisoners. The Special Rapporteurs also expressed concerns about the following cases. Suleyman Mamedov, editor-in-chief of *Khuriyyat* newspaper, was beaten by the deputy head of the Baku main police department. Amrali Babayev, chairman of ADP's Nakhichevan department, was severely beaten on 30 April 2001 by a group of policemen and civilians led by the head of the criminal investigation department in Nackhichevan city. Gulhar Pashayeva, a 61-year-old pensioner and mother of two, who took part in a post-election demonstration in the city of Sheki in the north of Azerbaijan on 18 November 2000, was severely beaten by police officers after being taken to a police station in the city on 20 November 2000. Anvar Gulusoy, a 43-year-old teacher of physics at a grammar school in Sheki and a member of the opposition

Musavat Party, was taking part in a post-election demonstration in Sheki on 18 November 2000 when allegedly beaten by the police, sustaining a broken arm as a result. Eighteen people are said to have received custodial sentences of up to six years. Vajif Hadjibeyli, the chair of the opposition Ehrar (Peasants') Party, was detained while taking part in an attempted demonstration in Baku on 29 April 2000 and was severely beaten by police.

Observations

243. No reply from the Government has been received so far.

Belarus

Communications sent

244. On 30 September 2001, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication regarding the situation of Aleksey Shidlovsky, released from prison in February 1999 after 18 months' imprisonment. Aleksey Shidlovsky was arrested at the age of 19 in August 1997 for writing anti-government and anti-presidential graffiti on public buildings in the town of Stolptsy and for replacing an official Belarusian national flag with the banned red and white flag, which is a symbol of the opposition Belarusian Popular Front, of whose youth wing Aleksey Shidlovsky was a member. During his pre-trial detention in the town of Zhodino, he and other detainees were made to leave their cells and stand in painful positions with their arms and legs stretched against a wall. Prison guards kicked them if they moved or fell. Meanwhile, guards filled their cells with cold water and then forced detainees to take off their shoes and socks and empty the cells using cups.

245. On 30 September 2001, the Special Rapporteur sent a communication jointly with the Special Rapporteur on torture and the Special Representative on human rights defenders concerning the case of Oleg Volchek, a lawyer and the chairman of the non-governmental committee which demanded an independent investigation into the possible "disappearance" of Yury Zakharenko. Oleg Volchek was arrested on Moskovskaya Street in Minsk and taken to the Moskovsky District Department of Internal Affairs, where he was repeatedly punched and kicked about the body and head by three police officers after a pro-democracy demonstration on 21 July 1999. He was subsequently denied access to a doctor and not released until the following day. Although he filed a number of complaints with the authorities about his alleged ill-treatment, the authorities failed to investigate his allegations. On the contrary, as a result of his complaint, Oleg Volchek was charged under article 201 (2) of the Criminal Code with "malicious hooliganism". However, charges against him were dropped in late November 1999, owing to a lack of evidence.

Observations

246. A response from the Government is still awaited.

Russian Federation

Communications sent

247. On 21 May 2001, the Special Rapporteur transmitted a communication concerning the takeover of the Media Most company news outlet NTV by Gazprom-Media, a subsidiary of the gas monopoly Gazprom whose majority shareholder is the Russian State, on 3 April 2001. The Special Rapporteur raised concern that this takeover might threaten independent media and the plurality of information in Russia. NTV is the only independent national television station in Russia. The new Gazprom-Media management removed NTV founder Vladimir Gusinsky and managing director Yevgeny Kiselyov, and appointed its general director, Alfred Kokh, as the new Chairman of the NTV board of directors. Moreover, on 14 April 2001, Gazprom-Media established effective control over NTV by forcibly occupying its offices. Together with officers from the Ministry of the Interior's special troops (OMON), Gazprom security officers seized the station's offices and control room, which had been occupied by journalists protesting against the outcome of the 3 April board meeting and the new management team's appointment. These journalists were barred from entering the station's studios and told they were dismissed. Furthermore, Sem Dnei, a publishing house owned by Media Most, was also subjected to pressures: Gazprom effectively closed down *Segodni*, a daily published by Sem Dnei, on 16 April 2001 by ousting its staff and announcing that it would no longer receive financing, and dismissed the editor of the weekly magazine *Itogui* on 17 April 2001. Those publications were among the few media outlets that regularly voiced criticism of government policies, particularly in their coverage of the Chechnya conflict.

248. On 28 June 2001, the Special Rapporteur sent an urgent appeal regarding the situation of Olga Kitova, a 47-year-old investigative journalist of the newspaper *Belgorodskaya Pravda* and a member of the Belgorod regional parliament, who was in detention because of newspaper articles in which she alleged official corruption. She was detained and beaten on 21 March 2001 by 10 police officers, arrested and held in a temporary holding isolator (IVS) before being transferred to a pre-trial detention centre (SIZO) on 22 May. In both cases, she was released on the orders of the Western District Court. Although on 28 May the Court ruled that her arrest was unlawful on procedural grounds, the decision was overturned on 27 June as a result of a successful appeal to Belgorod Regional Court by the prosecutor. The police reportedly said that she had been detained because she had failed to respond to a summons for questioning under articles 294 (2), 129 (2) and 130 (2) of the Criminal Code, which cover interference in a criminal investigation or prosecution, slander and defamation. The summons appeared to be related to a series of articles she had written about the handling of a rape case. Furthermore, while she was held in the IVS, she suffered a heart attack for which she was subsequently treated in hospital for around 15 days.

249. On 30 October 2001, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative on human rights defenders, sent an urgent appeal concerning Anna Politkovskaia, a Russian journalist for the weekly newspaper *Novaia Gazetta* who was forced to flee from Russia and take refuge in Austria. Ms. Politkovskaia is a renowned journalist who published many articles denouncing

human rights violations committed by Russian forces in Chechnya for which she received in April 2001 the Amnesty International Human Rights Prize for journalists. Ms. Politkovskaia received several death threats following the publication on 10 September 2001 of an article on Serguei Lapin, a Russian official who Ms. Politkovskaia accused of having committed violations against Chechen civilians. The threats could also be connected to the information provided by Ms. Politkovskaia regarding the alleged shooting down of a Russian helicopter in September 2001 by Russian forces whereas the Russian army officially reported that Chechen forces had shot it down. Furthermore, on 20 February 2001, Ms. Politkovskaia was arrested by Russian soldiers in South Chechnya for having violated the accreditation rules imposed by military command; at the time, she was deported from Chechnya after Russian soldiers confiscated her notes and photographs.

Communications received

250. Replies from the Government to the communications dated 21 May 2001 and 28 June 2001 were received on 5 October 2001 and a reply to the communication sent on 30 October 2001 was received on 7 December 2001. They were in the process of being officially translated at the time of completion of this report.

Observations

251. The Special Rapporteur thanks the Government of the Russian Federation for its reply and its willingness to cooperate with the mandate.

Visit

252. The Special Rapporteur would like to reiterate his wish to undertake a visit in the country, as expressed in a letter dated 9 March 1999.

Slovenia

Information received

253. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Ukraine

Communication sent

254. On 4 September 2001, the Special Rapporteur transmitted an urgent appeal regarding the assault on Aleksey Movsesyan, a 23-year-old cameraman with the independent television station Efir-1, in the eastern Ukrainian city of Luhansk on 26 August 2001. Mr. Movsesyan was struck

with a hard object while walking in a park near his home with his friend. Mr. Movsesyan was brought to hospital with critical head injuries. The police treated the assault only as a drunken brawl, but the attack appeared to be linked to the professional activities of Mr. Movsesyan: indeed, in April a city council deputy, Vladimir Ladnyk, assaulted him and tried to take away his camera during a meeting of the Luhansk City Council. Moreover, the Luhansk City Council, which controls the Efir-1 television station, attempted to shut it down in retaliation for its criticism of municipal authorities.

Communication received

255. In a communication dated 11 April 2001, the Government replied to the concerns expressed in the report to the fifty-seventh session of the Commission on Human Rights by the Special Rapporteur (E/CN.4/2001/64). The Government explained that some of the conclusions summarized in the report referring to Ukraine could not be substantiated by the facts. The Government informed the Special Rapporteur that the latest decree of the President of Ukraine "On Additional Measures Ensuring Unhampered Activities of Mass Media and Further Consolidation of Freedom of Speech in Ukraine" demonstrates the constructive approach to the improvement of the situation by trying to ensure proper working conditions for media in Ukraine and the constitutional guarantees of freedom of opinion and expression in the country. The Government provided the Special Rapporteur with full details relating to the case of Mr. Gongadze, a journalist who disappeared on 16 September 2000. The Government stated that he has never been arrested, but investigations into his case were under way. The law enforcement agencies of Ukraine were open to cooperation with relevant structures of the United States and the countries of the Council of Europe. The Government provided details of the actions undertaken by the Ukrainian authorities.

Observations

256. A response from the Government to the communication sent on 4 September 2001 is still awaited.

IV. WESTERN EUROPE AND OTHER COUNTRIES

257. During the period under review, the Special Rapporteur sent seven urgent actions to the Governments of two countries.

258. Jointly with the Special Rapporteur on torture, he sent four urgent appeals, one urgent appeal with the Special Representative on human rights defenders, one urgent appeal with the Special Rapporteur on the independence of judges and lawyers and one urgent appeal with the Chairman of the Working Group on Arbitrary Detention.

259. These communications were sent on behalf of 59 persons, including 1 woman and 1 minor. Moreover, the cases concerned one radio station, one television station and two political parties. Further to his communications, the Special Rapporteur received a total of five replies from two Governments (see annex III).

Canada

Information received

260. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Germany

Information received

261. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Monaco

Information received

262. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Netherlands

Information received

263. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Turkey

Communications sent

264. On 18 December 2000, the Special Rapporteur transmitted an urgent appeal to express his concern at information received regarding the six-month suspension of the radio station Özgür Radyo, ordered by RTÜK, the Audiovisual Council of Turkey, on 7 December 2000.

Özgür Radyo was accused of having broadcasted a "defamatory" programme which "goes beyond the limits of criticism and aims to humiliate". On 24 July 2000, it was stated during an Özgür Radyo broadcast that Rauf Denktash, the President of the Turkish Republic of Northern Cyprus, had "a significant real estate portfolio in the island's northern region" and received payments from "gangs linked to prostitution". The radio station had previously been suspended, in July and in August 2000, for one year each time, bringing the length of its suspension to two and a half years.

265. On 31 January 2001, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on torture concerning Serdar Tanis and Ebubekir Deniz, Head and Secretary of the Silopi district section of the People's Democratic Party (HADEP), respectively. HADEP is the legal Kurdish political party successor to two previous parties that were both banned for "separatism" by the authorities. Serdar Tanis and Ebubekir Deniz were summoned on 25 January 2001 by the Silopi district gendarmerie. On 26 January, Ömer Sansur, the man who had driven them to the gendarmerie the previous day, notified the Silopi prosecutor of concerns regarding their whereabouts since the two men had not been seen coming out of the gendarmerie. Their lawyers and lawyers from the Human Rights Association and the Human Rights Foundation of Turkey (RDF) in Diyarbakir then tried to obtain information about their whereabouts but were told by the gendarmerie that they had not been detained and by the local prosecutor that he could not provide information about their whereabouts. Similar responses have been received from the provincial governor and the chief prosecutor in Sirnak. The Special Rapporteurs also expressed fears that Serdar Tanis and Ebubekir Deniz might be at risk of torture or other forms of ill-treatment in view of the incommunicado nature of their detention.

266. On 28 June 2001, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers and the Special Representative on human rights defenders, sent an urgent appeal concerning the trial of 16 individuals which recommenced on 29 June 2001, at the Ankara Military Court of the Office of the General Staff. Yavuz Önen, President of the RDF; Vahdettin Karabay, Chairman of the Confederation of Progressive Trade Unions; Salim Zulú, Chairman of Hak-is; Siyami Erdem, former Chairman of the Confederation of the Public Workers' Trade Union; Hüsün Öndül, President of the Human Right Association; Cengiz Bektas, co-Chairman of the Writers' Trade Union; Atilla Maras, co-Chairman of the Writers' Trade Union; Ylmaz Ensaroglu, President of Mazlum-Der; Zuhal Olcay; Lale Mansur; Sanar Yurdatapan; Ali Nesin; Erdal Öz; Ömer Madra; Etyen Mahçupyan and Sadic Tasdogan, who had published a book entitled *Freedom of Thought 2000*, were accused of "driving people away from wanting to conduct their military service" in violation of article 155 of the Turkish Penal Code. On 23 May 2001, they requested the Ankara Military Court to refer their case to the Constitutional Court on the grounds that they would not receive a fair trial by an independent and impartial tribunal if their case were heard by a military court; their request was rejected. They were acquitted by the Istanbul State Security Court of charges under articles 169, 311 and 312 of the Penal Code and articles 6, 7 and 8 of the Anti-Terror Law but they faced proceedings in the Penal Court of First Instance for "insulting religion" in violation of article 175 of the Penal Code and before the Uskudar Criminal Court for "insulting the quality of being a

Turk, the Republic, Parliament, Government, Ministries, [the] jurisdiction or the forces of the Government related to the military", in violation of article 159 of the Penal Code. It is alleged that these proceedings have been brought against them in order to deter them from exercising their fundamental rights and freedoms.

267. On 27 July 2001, the Special Rapporteur transmitted an urgent appeal, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, concerning the detention of 13 persons, including the local and provincial heads of HADEP, namely: Haydar Öner (m), aged 38; Ismihan Öner (f), aged 59 (mother of Haydar); Aysel Öner (f), aged 26 (sister-in-law of Haydar); Abdurrahman Öner (m), aged 55; Senel Polattas (f), aged 18; S. Mehmet Polattas (m), aged 25; Turabi Yuka (m), aged 25; Mehmet Gariban (m), aged 50-55; Ali Gozübüyük (m), Adiyaman district head of HADEP; Yusuf Polat (m), Adiyaman provincial head of HADEP; Hayriye Polattas (f), aged 55 and two other persons whose names are unknown. They were arrested on 24 July by members of the gendarmerie in the province of Adiyaman while two further persons were arrested on 26 July. No official reason has been given for their arrest but their detention is allegedly linked to the fact that they recently met with two Swiss nationals who were visiting the area. They were being held at the gendarmerie headquarters in Adiyaman without access to family, friends or legal counsel for up to four days.

268. On 3 September 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, transmitted an urgent appeal concerning the detention in Batman of Zülküf Karatekin, Mukkader Dolan, Gönül Kalir, Abdurrahman Tasci (the HADEP chairman of the Siirt area), Zana Oner and Gurbet Yalçin in consequence of the fact that they tried to travel to Ankara in order to participate in a peaceful march organized by HADEP on 1 September. The Ankara police banned the march, declaring that "it was deemed likely to lead to serious public disorder and cause unwanted incidents". HADEP reportedly appealed to a local court to overturn the ban. During the demonstration, at least 25 people were wounded, including police officers, as police fired in the air and used batons to disperse the crowd. At least one demonstrator received gunshot wounds.

269. On 18 October 2001, the Special Rapporteur sent a join urgent appeal with the Special Rapporteur on torture regarding the arrest of 21 members of the Kiliç family, including Adil Kiliç, HADEP provincial council member, and Savas Kiliç, an 8-year-old child who was shot and subsequently taken to hospital, seriously wounded. Gendarmes arrested the members of this family, which is of Kurdish origin, during a raid in south-eastern Turkey in the early hours of 17 October 2001. It is not known where they are currently held. In view of the incommunicado nature of their detention in a secret place, the Special Rapporteur expressed fears that they might be at risk of torture and other forms of ill-treatment. In the same appeal, the Special Rapporteurs also expressed concern about the killing of three people during an operation in Silvan, Diyarbakir province, directed against the Kurdistan Workers' Party (PKK). According to the authorities, two of those killed were PKK members. Among the dead was 18-year-old Gurbet Kiliç, who is not believed to have had any connection with the organization.

Communications received

270. On 22 January 2001, the Government replied to the communication of the Special Rapporteur dated 19 October 2000. The Government indicated that Esber Yagmurdereli was released on 18 January 2001. Moreover, in a letter dated 16 March 2001, the Government reported that a decision of non-prosecution was issued in the case of Unal Cetiner as well as in the case of Ergüren Top, Cengiz Kopmaz and Meral Kocamis, that the trial against Jülide Kalic was pending, that issues No. 50 of *Roja Teze*, No. 98 of *Yeni Gündem* and No. 225 of *Yeni Evrensel* newspapers were seized in accordance with the Constitution. Moreover, it was decided that Umut Radio had committed broadcast violations on 11 February 2000 (see E/CN.4/2001/64, para. 277)

271. In reply to the urgent appeal of the Special Rapporteurs dated 31 January 2001, the Government provided, on 21 March 2001, information on the cases of Serdar Tanis and Ebubekir Deniz. The Government explained that investigations into the cases had established that Serdar Tanis and Ebubekir Deniz had gone to the Silopi Central Command Gendarmerie Headquarters on 25 January 2001 of their own accord and that there is no official record indicating that they were taken into custody. The Government added that the investigation process was under way.

272. In a communication dated 29 August 2001, the Government replied to the joint urgent appeal of 28 June 2001 explaining that Uskèdar Public Prosecutor's Office issued a decision of non-jurisdiction on 5 October 2000 in the case of the publishers of the book entitled *Freedom of Thought 2000*. In the decision, it was stated that the accused persons had caused "unwillingness of the people to render military service" and that this offence falls within the jurisdiction of the military court. The Government added that the accused persons were acquitted by the Istanbul State Security Court No. 5 on charges of aiding and abetting the terrorist organization PKK through spreading its propaganda. The trial on charges of insulting the Turkish nation, the Republic and the Government was still pending as well as the trial on charges of insulting religion, the Turkish flag and Atatürk.

273. In reply to the urgent appeal dated 27 July 2001, the Government provided, on 10 September 2001, information on the following persons: Ismail Öner was being sought by the Adiyaman Provincial Gendarmerie Command on the grounds of aiding and abetting the terrorist organization PKK; Haydar Öner, Ismihan Öner, Aysel Öner, Abdurrahman Öner, Senel Polattas, Mehmet Polattas and Hayriye Polattas were taken into custody by the gendarmerie on 24 July 2001; Turabi Yuka, Mehmet Gariban, Ali Gozübüyük, Yusuf Polat, Zarife Bektas and Ibrahim Mutlu were taken into custody on 25 July 2001. The Government also said that upon decision of the Adiyaman Criminal Court of Peace, dated 27 July 2001, Aysel Öner, Mehmet Polattas, Hayriye Polattas, Zarife Bektas and Turabi Yuka were arrested while the other accused were released.

274. In reply to the urgent appeal dated 3 September 2001, the Government explained, in a letter dated 29 November 2001, that during the demonstration in Diyarbakir, held without permission, on 31 August 2001, Zülküf Karatekin, Mukkader Dolan and Gönül Kalir attempted

to incite people against the State by attacking the security forces with stones and cudgels and shouting illegal slogans. Therefore, they were taken into custody. Mukkader Dolan and Gönül Kalir were released after issuing their statement, while Zülküf Karatekin was dispatched to the State Security Court Public Prosecutor's Office and released afterwards. The Government also explained that no action was taken regarding Abdurrahman Tasci, Zana Oner and Gurbet Yalçin. The Government said that the security forces intervened in the demonstration, which was gradually transformed into a demonstration to support the terrorist organization PKK, in order to perform their duties.

Observations

275. The Special Rapporteur thanks the Government of Turkey for its replies.

United Kingdom of Great Britain and Northern Ireland

Communications sent

276. On 2 May 2001, the Special Rapporteur sent an urgent appeal concerning the injunctions served by the Ministry of Defence on Ulster Television (UTV). UTV was served with a temporary injunction on 24 April 2001 and a permanent injunction on 26 April 2001. These injunctions banned UTV's Insight documentary entitled "Following Orders" which deals with a British army agent who infiltrated the Irish Republican Army (IRA) and activities of the British army intelligence unit, the Force Research Unit (FRU). The banned programme includes an interview with the Special Rapporteur on the independence of judges and lawyers, Dato' Param Cumaraswamy. The high court order, issued under the Official Secrets Act, restrains UTV from issuing "any information which identifies any former member, any former informant or any former agent of the Force Research Unit (FRU)" and from broadcasting or discussing "any information about the methods of operation, operational techniques or tradecraft of the Unit". The Special Rapporteur also pointed out that the injunction follows a number of others against newspapers and former intelligence operatives by the Ministry of Defence.

Press release

277. On 28 September 2001, the Special Rapporteur issued a press release expressing his deep concern over the murder in Northern Ireland on the same day of Martin O'Hagan, a journalist of the newspaper *The Sunday World*, the first journalist to be killed in the past 30 years of conflict in Northern Ireland. Martin O'Hagan was killed near his home, in front of his wife, in Lurgan, County Armagh, Northern Ireland. The Red Hand Defenders, a paramilitary group, in a telephone statement, claimed responsibility for his murder.*

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* The text of the press release is available on the OHCHR web site.

Communication received

278. In a letter dated 1 June 2001, the Government of the United Kingdom of Great Britain and Northern Ireland replied to the concerns expressed by the Special Rapporteur in his communication of 2 May 2001. The Government explained that the High Court in England and in Northern Ireland, not the Ministry of Defence, had issued injunctions against Ulster Television, two newspapers and one individual to prevent the publication of information relating to the army in Northern Ireland that, if disclosed, could have put lives at risk. The Government added that these Orders were not sought to suppress information about the activities of the FRU in Northern Ireland, but to protect the lives of those involved in the fight against terrorism. They were issued, the Government said, following civil proceedings in the High Court, not under the Official Secrets Act. The Government also said that there have been many other press articles and television stories about the FRU alleging that it was involved in illegal activity, but no applications to the High Court were made to prevent these articles from being published because they did not contain information likely to put lives at risk, or damage national security.

Information received

279. The Special Rapporteur would like to thank the Government for the transmission of information with regard to his note verbale of 7 June 2001 pursuant to paragraph 13 of Commission resolution 2001/47 which invited States to submit comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV.

Observations

280. The Special Rapporteur thanks the Government of the United Kingdom of Great Britain and Northern Ireland for its prompt reply. The Special Rapporteur would like to be kept informed of the progress of the investigation into the murder of Martin O'Hagan.

V. LATIN AMERICA AND THE CARIBBEAN

281. During the period under review, the Special Rapporteur sent 7 allegations and 16 urgent actions to the Governments of 13 countries.

282. Jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions he sent 10 urgent appeals and 2 allegations, with the Special Rapporteur on torture, 1 letter of allegation, with the Special Representative on human rights defenders 4 urgent appeals and 1 letter of allegation, and 2 urgent appeals with the Chairman-Rapporteur of the Working Group on Arbitrary Detention.

283. These communications were sent on behalf of 88 persons, including 8 women. Moreover, the cases concerned 4 newspapers and 2 political parties. Further to his communications, the Special Rapporteur received a total of 13 replies from 9 Governments.

Argentina

Visita

284. Del 25 de junio al 2 de julio de 2001, el Relator Especial realizó una visita a la Argentina. Un informe separado ha sido presentado a la Comisión de Derechos Humanos a su 58° periodo de sesiones (E/CN.4/2002/64/Add.1). El Relator Especial desea dar las gracias al Gobierno por su cooperación durante la visita.

Colombia

Comunicaciones enviadas

285. El 23 de mayo de 2001 el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió un llamamiento urgente con respecto al caso de desactivación de un coche bomba, a las 9.30 de la mañana de 21 de mayo de 2000, frente a las instalaciones del *Semanario Voz* y la sede del partido político Unión Patriótica-Partido Comunista de Colombia (UP-PCC) en la ciudad de Bogotá. Los Relatores Especiales también señalaron que fue retirada la protección policial de las instalaciones del *Semanario Voz* y de la sede del UP-PCC a pesar de las amenazas y hostigamiento de los que fueron objeto presuntamente por parte de grupos de ultraderecha y grupos armados paramilitares, como consecuencia de las denuncias que hicieron sobre todo en el caso del *Semanario Voz*. Además, se denegó la solicitud de protección a los periodistas de dicha publicación, realizada por su director, el Sr. Carlos Lozano Guillén, al Ministerio del Interior. Al mismo tiempo, el Sr. Carlos Lozano Guillén solicitó al Ministerio del Interior que se llevaran a cabo las obras necesarias para el blindaje de las sedes políticas, asunto que fue aprobado el año pasado y que todavía no se realizó.

286. El 12 de junio de 2001, el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió un llamamiento urgente con respecto a la situación de cinco periodistas que fueron declarados objetivo militar en un comunicado atribuido a las AUC. Los periodistas cubrían información del conflicto armado en el valle del Cauca para distintas cadenas de televisión locales y nacionales. Un panfleto que circuló por la ciudad de Cali señaló a los periodistas Eduardo Manzano, Jaime Gallego, Eduardo Esquivel, Hugo Mario Palomar y Gildardo Arango como "enemigos de la paz" mencionando como prueba su presunta "comunicación directa" con varios frentes de las Fuerzas Armadas Revolucionarias de Colombia (FARC) y el Ejercito de Liberación Nacional (ELN). En el caso del Sr. Gallego, recibió distinto tipo de amenazas llegando a estar el año pasado retenido durante todo un día por las AUC en Tuluá. A estas amenazas, los Relatores Especiales añadieron las recibidas por los periodistas Sergio Ocampo, Marta Soto, Carlos Pulgarín y Orlando Gamboa, todos ellos trabajadores del diario *El Tiempo* de Bogotá. Las amenazas se realizaron a través de tres llamadas telefónicas entre el 17 y el 20 de mayo de 2001.

287. El 24 de octubre de 2001, el Relator Especial envió un llamamiento urgente junto con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias respecto de las amenazas de muerte contra unos sindicalistas en el departamento de Nariño por parte de grupos

de paramilitares. El 8 de octubre de 2001, la oficina del Sindicato de Maestros de Nariño (SIMANA) recibió amenazas de muerte según las cuales "los directivos de la Central Unitaria de trabajadores y otras organizaciones auxiliadores de la guerrilla serían ajusticiados". Los Relatores Especiales expresaron su preocupación especialmente por las vidas de las siguientes personas cuyos nombres fueron mencionados en la carta, firmada por "Pablo, Comandante Bloque Libertadores del Sur Autodefensas Unidas de Colombia": Aquiles Portilla, Jairo Rosero, Jaime Goyes, Rosalba Oviedo y Ricardo Chávez, miembros del SIMANA, así como Pedro Leytón, Diego Escandón y Luis Ortega, miembros del sindicato de Empopasto. A causa de semejantes amenazas contra otros miembros de las organizaciones SIMANA y Empopasto, varios sindicalistas tuvieron que dejar la región de Nariño. Además, el 20 de octubre de 2001 dos profesores fueron asesinados, uno de los cuales era Jesús Agreda, sindicalista miembro de SIMANA.

288. El 25 de octubre de 2001, el Relator Especial, conjuntamente con la Representante Especial del Secretario General sobre los Defensores de los Derechos Humanos y la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió un llamamiento urgente en relación con los asesinatos, el 16 y 19 de octubre, del Sr. Luis Manuel Anaya Aguas, tesorero del Sindicato de Conductores y Trabajadores del Transporte de Santander (SINCOTRAINDER), del Sr. Luis López, Presidente del dicho sindicato en Barrancabermeja, y del Sr. Julián Rodríguez, miembro de la Corporación CREDHOS, que efectúa una gran labor de defensa de los derechos humanos en esa zona. En la misma comunicación, se expresó preocupación por las detenciones, conducidas el 19 de octubre de 2001, por los agentes del Cuerpo Técnico de Investigación de la Fiscalía General de la Nación y del Departamento Administrativo de Seguridad (DAS), de seis dirigentes sindicales de la Unión Sindical Obrera (USO) acusados de rebelión: Jairo Calderón, ex Presidente de la USO, detenido en Bucaramanga; Alonso Martínez, activista de la USO detenido en Bogotá; Ramón Rangel, miembro de la Comisión de Derechos Humanos de la USO, detenido en Barrancabermeja; Edgar Mojica Vanegas, Presidente de la USO, detenido en Bogotá; y Fernando Acuña, ex Presidente de la Fedepetrol, detenido en Barrancabermeja. Estos hechos fueron relacionados con la jornada de protesta de la empresa estatal petrolera ECOPETROL, convocada por la USO, contra las continuas amenazas de muerte, asesinatos y desapariciones y hostigamientos que sufrían los dirigentes y activistas de la USO. Además, varios miembros de la Junta Directiva del Comité Permanente por la Defensa de los Derechos Humanos (COMPERDH), el Sr. Ernesto Amezquita Camacho, el Sr. Luis Jairo Ramírez, la Dra. Jahel Quiroga y el Dr. Carlos Lozano recibieron amenazas. El 11 de octubre de 2001, el Sr. Rigoberto Jiménez, Presidente de la Asociación Nacional de Ayuda Solidaria (ANDAS) en Cartagena, y un directivo de la Junta nacional fueron intimidados en la calle. Además, el 16 de octubre de 2001, tres hombres vestidos de civil y armados detuvieron al Sr. Manuel de la Rosa, tesorero de la Junta directiva de ANDAS, y lo llevaron en una camioneta. El Sr. de la Rosa fue liberado tras la intervención de otros miembros de la organización.

289. El 28 de noviembre de 2001, el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió una comunicación con respecto al caso del asesinato del estudiante Carlos Giovanny Blanco Leguízamo, de aproximadamente 20 años de edad, natural de Sogamoso (Boyacá), el 7 de noviembre del 2001. El joven murió después de recibir un disparo de arma de fuego durante los enfrentamientos

entre estudiantes de la Universidad Nacional y policías antimotines en Bogotá. Carlos Giovanny Blanco Leguízamo se encontraba entre un numeroso grupo de estudiantes encapuchados que realizaban una manifestación contra la privatización de la salud pública, la reforma laboral y la Ley de seguridad nacional, en los límites entre el campus universitario y la carrera 30, cuando recibió un disparo proveniente de la calle, que le impactó en el tórax causándole una herida mortal. Este disparo provino de una pistola calibre 22mm. La policía descartó cualquiera responsabilidad, toda vez que su dotación no contempla armas de ese calibre. Además, durante la manifestación la policía antimotines arremetió violentamente con gases lacrimógenos dirigidos hacia el cuerpo de los estudiantes dejando como resultado al menos 20 estudiantes heridos, entre ellos 2 con lesiones serias, 1 de ellos en el rostro.

Observaciones

290. El Relator Especial lamenta que a la finalización del presente informe no se haya recibido respuesta del Gobierno.

Visita

291. El Relator Especial quiere dar las gracias al Gobierno por haberle invitado a visitar el país, y espera realizar dicha visita a lo largo de 2002.

Cuba

Comunicaciones enviadas

292. El 31 de enero de 2001, el Relator Especial transmitió un llamamiento urgente en relación con la detención de dos ciudadanos checos, Ivan Pilip, ex Ministro de Finanzas y actual miembro del Parlamento Checo, y Jan Bubenik, ex líder estudiantil de la "Revolución de Terciopelo" desde el 12 de enero de 2001 en Villa Marista, un centro de detención de la Seguridad del Estado de la ciudad de La Habana. El Sr. Pilip y el Sr. Bubenik fueron arrestados por la policía en la provincia de Ciego de Ávila, un día después de su reunión con dos periodistas cubanos independientes, Antonio Fermenías y Roberto Valdivia, en la que discutieron de la situación política, económica y social en sus respectivos países. El 22 de enero de 2001, el Sr. Pilip y el Sr. Bubenik fueron acusados de "asociación encaminada a provocar una rebelión", lo cual constituye un "delito contra la seguridad del Estado" según el Código Penal Cubano, y puestos en detención durante 60 días como medida cautelar. La detención habría podido prolongarse hasta un mínimo de 5 años y un máximo de 17 años si hubieran sido declarados culpables de dicho crimen. En la misma comunicación, el Relator Especial expresó su preocupación por el caso de Antonio Femenías, director de la agencia de prensa *Patria*, y Roberto Valdivia, colaborador de dicha agencia, que fueron interrogados el 12 de enero de 2001 y citados repetidamente por agentes estatales de seguridad de la provincia de Ciego de Ávila después de su reunión con el Sr. Pilip y el Sr. Bubenik. Los dos periodistas fueron detenidos durante tres horas el 12 de enero de 2001 por agentes estatales de seguridad y citados por la policía los días 16 y 17 de enero de 2001.

293. El 10 de mayo de 2001, el Relator Especial, conjuntamente con el Presidente-Relator del Grupo de Trabajo sobre la Detención Arbitraria, envió un llamamiento urgente en relación con el arresto de José Orlando González Bridón, Secretario General de la Confederación de Trabajadores Democráticos de Cuba (CTDC). El Sr. González Bridón fue arrestado el 15 de diciembre de 2000 en su domicilio en La Habana acusado de los cargos de "realizar propaganda enemiga" y de "difusión de falsas informaciones con el propósito de provocar desórdenes públicos". Las acusaciones tenían como fundamento un artículo publicado por esta persona el 5 de agosto de 2000 en la página Web de *Cuba Free Press*, en el cual se hacía referencia a la supuesta responsabilidad de las autoridades en la muerte de Joanna González Herrera, Coordinadora Nacional de la CTDC. El Sr. González Bridón también realizó declaraciones en el mismo sentido a una emisora de radio de Miami, Florida, calificada de subversiva en el acta de acusación. El Sr. González Bridón se encontraba en prisión preventiva en el centro penitenciario Combinado del Este, cerca de La Habana, esperando su procesamiento judicial fijado para el 11 de mayo de 2001.

294. El 16 de agosto de 2001, el Relator Especial envió, junto con el Relator Especial sobre la cuestión de la tortura, una comunicación sobre los siguientes hechos. Yoani y Leonardo Varona, familiares de Manuel Antonio González Castellanos, periodista de la agencia de noticias independiente *Cuba Press*, así como Roberto Rodríguez Rodríguez fueron golpeados por unos agentes del Gobierno el 2 de octubre de 1998, después de que él fuera detenido y su familia había escrito en las paredes y puertas de su vivienda consignas contra el Gobierno para denunciar la detención. A continuación unos agentes del Gobierno forzaron la puerta de su casa, entraron y golpearon a las personas previamente citadas, después de que varios centenares de personas habían rodeado la casa y gritado amenazas e insultos, según informes encabezadas por agentes de la Seguridad del Estado y miembros de las Brigadas de Respuesta Rápida. José Aguilar Hernández, Presidente del Movimiento 13 de julio, fue detenido el 17 de diciembre de 1999, después de que, mientras que estaba peregrinando al santuario de San Lázaro junto a otros pacifistas, recibiera una patada a la altura de los pulmones en la espalda por los miembros de seguridad y les rompieron las camisetas en las que venían inscritos mensajes pidiendo la libertad de presos políticos. Además, Belkis Barzaga Lugo, una mujer miembro del partido opositor Treinta de Noviembre Frank País, recibió una golpiza el 17 de diciembre de 2000, después de abandonar el santuario de El Rincón cuando se estaba expresando a favor de la libertad y de la democracia, presumiblemente por miembros de las Brigadas de Respuesta Rápida. A continuación fue arrestada bajo la acusación de "desorden público" y posteriormente detenida en la sede central del Departamento Técnico de Investigaciones de 100 y Aldabó, en La Habana. Durante su detención no recibió una atención médica adecuada.

295. El 3 de diciembre de 2001, el Relator Especial envió una comunicación sobre la situación del Sr. Raúl Rivero, director de *Cuba Press* y profesor de la Sociedad de Periodistas Manuel Márquez Sterling (supuestamente no reconocida por las autoridades). El Sr. Reyes y su esposa, la Sra. Blanca Reyes, fueron objetos de hostigamientos por parte de la autoridad policial. La Sra. Blanca Reyes fue citada el 8 de noviembre de 2001 por la policía de La Habana como sospechosa de tráfico de divisas. Durante la convocatoria un oficial de policía preguntó a la Sra. Blanca Reyes cuánto dinero recibía del exterior, si Raúl Rivero recibía dinero de

El Nuevo Herald (un periódico de la oposición cubana en los Estados Unidos de América) y si repartían dólares a la disidencia. Al final, le sugirieron que se fueran del país y la amenazaron con ser procesada por "compra ilegal de dólares norteamericanos". Además, un miembro del Departamento de Seguridad del Estado (DSE, policía política) impidió, el 29 de octubre de 2001, el desarrollo de una clase en los locales de la Sociedad de Periodistas Manuel Márquez Sterling y ordenó al Sr. Raúl Rivero que abandonara el lugar. Poco después los periodistas Carmelo Díaz Fernández, Pedro Pablo Álvarez y Víctor Manuel Domínguez fueron expulsados de los locales de la asociación.

Comunicaciones recibidas

296. Por carta de fecha 5 de febrero de 2001, el Gobierno de Cuba contestó a la comunicación del Relator Especial de fecha 31 de enero de 2001 e informó de que los ciudadanos checos Ivan Pilip y Jan Bubenik eran responsables de hechos cometidos en el territorio cubano, violatorios del orden legal vigente en Cuba. El Gobierno explicó que los dos ciudadanos checos realizaron actividades delictivas en Cuba planeadas, dirigidas y financiadas por una entidad norteamericana involucrada en acciones hostiles contra Cuba. Los Señores Pilip y Bubenik recibieron todos los beneficios y garantías del debido proceso constitucional de los órganos de administración de justicia de Cuba, y se les brindó la posibilidad de entrevistarse con familiares y personal oficial de la República Checa. Además el Gobierno informó al Relator Especial de que los ciudadanos cubanos mencionados en la comunicación no estaban registrados como periodistas o corresponsales y nunca habían realizado funciones periodísticas de ningún tipo.

297. El Gobierno de Cuba contestó el 11 de julio de 2001 al llamamiento urgente del 10 de mayo de 2001 sobre la situación del Sr. González Bridón. El Sr. González Bridón incurrió de manera sistemática en actos delictivos, asociados a la fabricación y propagación de informaciones dirigidas a atentar contra la dignidad de representantes del Gobierno cubano, sus instituciones y las autoridades policiales, realizados en complicidad con funcionarios de la Sección de Intereses de los Estados Unidos en Cuba y las organizaciones de la mafia terrorista de origen cubano. El Gobierno explicó que el Sr. González Bridón ya había cumplido tareas asignadas por organizaciones terroristas e instigadoras de la subversión del orden público y constitucional del país. El Gobierno garantizó que en todas las fases del proceso judicial, empezado el 24 mayo de 2001 en el Tribunal Popular Municipal, fueron observadas las normas y garantías del debido proceso. El Sr. González Bridón fue juzgado por el delito de difamación contra las instituciones estatales, tipificado en el Código Penal Cubano. Además, el Gobierno declaró que la Confederación de Trabajadores Democráticos de Cuba no es conocida en el país y no aparece registrada legalmente.

298. El Relator Especial desea dar las gracias al Gobierno por transmitirle información relativa a su nota verbal de 7 de junio de 2001, de conformidad con el párrafo 13 de la resolución 2001/47 de la Comisión, en el que se invita a los Estados a que presenten observaciones sobre sus programas y políticas relativos al acceso a la información con fines de educación y prevención respecto del VIH.

Observaciones

299. El Relator Especial da las gracias al Gobierno de Cuba por la rapidez de su respuesta, si bien espera otras respuestas a sus comunicaciones de fechas 16 de agosto de 2001 y 3 de diciembre de 2001.

Visita

300. El Relator Especial desea reiterar sus deseos de realizar una visita al país, como expresó en su carta de septiembre de 1998, a la que aún espera respuesta.

Dominican Republic

Comunicación enviada

301. El 19 de julio de 2001, el Relator Especial, conjuntamente con la Representante Especial del Secretario General para los Defensores de los Derechos Humanos y la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, transmitió un llamamiento urgente con respecto al Padre Pedro Ruquoy, defensor de los derechos de los refugiados haitianos y trabajadores en la República Dominicana. Después de la publicación, el 18 de febrero del 2001, en el periódico nacional *El Siglo* de un artículo del Padre Ruquoy en el que denunciaba arrestos masivos y deportaciones de haitianos y dominicanos descendientes de haitianos por parte de las autoridades dominicanas, Pedro Ruquoy -de nacionalidad belga y residente permanente en la República Dominicana- recibió cartas anónimas de amenazas y reiteradas amenazas.

Comunicación recibida

302. El Gobierno de la República Dominicana contestó el 4 de octubre de 2001 a la comunicación de fecha 4 de octubre de 2001 sobre la situación del Padre Roquoy. El Gobierno informó que el Padre Roquoy gozaba de protección policial, ya que el Gobierno estaba consciente de sus compromisos. El Gobierno aseguró que había iniciado una exhaustiva investigación ante las autoridades competentes sobre las amenazas sufridas por el Padre Roquoy.

Observaciones

303. El Relator Especial da las gracias al Gobierno dominicano por su respuesta.

Ecuador

Comunicación enviada

304. El 8 de octubre de 2001, el Relator Especial envió un llamamiento urgente, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, con respecto al caso de Luis Bermeo Jaramillo, gobernador de la provincia de Sucumbíos, que fue víctima de un ataque en el cual fue gravemente herido. La agresión estaba

relacionada con las actividades políticas del Sr. Jaramillo, miembro del partido político indígena Pachakutic, que se opone al programa estadounidense de ayuda militar para Colombia, denominado Plan Colombia. Según la policía, los agresores del Sr. Jaramillo eran miembros del grupo paramilitar colombiano Autodefensas Unidas de Colombia (AUC) que actúa con el apoyo o el asentimiento del ejército colombiano. El Sr. Jaramillo ya había recibido amenazas de muerte por teléfono; asimismo durante el mes de agosto, la policía descubrió explosivos puestos en su casa. Los responsables de estos delitos todavía no fueron detenidos.

Observaciones

305. Todavía se espera respuesta del Gobierno.

Guatemala

Comunicaciones enviadas

306. El 6 de agosto de 2001, el Relator Especial envió un llamamiento urgente junto con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias respecto de las intimidaciones y amenazas recibidas por el Centro de Reportes Informativos sobre Guatemala (CERIGUA), organización que informa sobre la situación de los derechos humanos en Guatemala. El 23 de julio de 2001, una empleada de la CERIGUA fue amenazada de muerte por teléfono. Además las líneas telefónicas fueron intervenidas.

307. El 9 de noviembre de 2001, el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, transmitió una comunicación respecto de los siguientes casos. El Sr. Roberto Martínez, fotógrafo del diario *Prensa Libre*, resultó muerto el 27 de abril de 2001 como consecuencia de los disparos efectuados por dos agentes de seguridad privada, mientras recogía la información sobre las protestas contra el alza del transporte público en la ciudad de Guatemala. El fotógrafo se encontraba en un centro comercial en el sur de la capital donde grupos de jóvenes estaban saqueando almacenes; guardias civiles del centro comercial dispararon contra los jóvenes, matando a Roberto Martínez e hiriendo a otros dos profesionales de prensa. Tras la carta de alegación enviada por la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, la respuesta del Gobierno, llegada el 21 de julio de 2001 a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, informaba de que los citados agentes de seguridad privados no actuaron en coordinación con autoridades gubernamentales, que se interpuso denuncia de los hechos por la madre de la víctima y que el órgano encargado de la misma es el Juzgado Primero de Primera Instancia Penal, Narcoactividad y Delitos contra el Ambiente. El Gobierno informó de que los dos identificados como presuntos autores se encontraban recluidos en el Centro Preventivo para Hombres de la zona 18, ciudad de Guatemala, y que, hasta la fecha, no se había dictado sentencia y no se había otorgado compensación económica a los familiares de la víctima, ya que la legislación penal interna establece las responsabilidades civiles provenientes del delito. En este sentido, los Relatores Especiales pidieron información sobre el seguimiento de las medidas tomadas por las autoridades competentes para condenar a los responsables de los hechos. En la misma comunicación, los Relatores Especiales expresaron su preocupación por el asesinato, perpetrado por unos desconocidos, del Sr. Jorge Mynor Alegría Armendáriz, animador del programa *Línea Directa de Radio Amatique*, emisora situada en Puerto Barrios, en el

departamento de Izabal (este de Guatemala) el 5 de septiembre de 2001, frente a su domicilio. Según la información recibida, en su programa, conocido por su línea editorial independiente, el periodista daba la palabra a los oyentes y criticaba frecuentemente a las autoridades. El mismo día de su muerte, el Sr. Jorge Mynor Alegría Armendáriz informó de que pensaba investigar acerca del levantamiento de la inmunidad parlamentaria del Sr. David Pineda, diputado local del Frente Republicano Guatemalteco (FRG) y antiguo alcalde de la ciudad, procesado por presunta malversación, y la semana anterior denunció que el alcalde de la ciudad, el Sr. Jorge Mario Chigua, habría despedido a 60 empleados municipales. En este sentido, los Relatores Especiales pidieron recibir información sobre el seguimiento de las medidas tomadas por las autoridades competentes para condenar a los responsables de los hechos.

308. El 9 de noviembre de 2001, el Relator Especial envió una comunicación respecto de los siguientes casos. Los diarios *El Periódico* y *Nuestro Diario* fueron víctimas de una agresión el 20 de febrero de 2001 por unos cincuenta manifestantes que pretendían ser partidarios del Frente Republicano Guatemalteco (FRG), el partido en el poder y del Sr. Luis Rabbé. Tras haber lanzado piedras contra la redacción, gritaron insultos contra el Sr. José Rubén Zamora, Presidente de *El Periódico*. De acuerdo con la información recibida, uno de los vehículos que esperaban a los manifestantes para evacuarlos pertenecería al Ministerio de Comunicaciones. Estos hechos estarían relacionados con la publicación por *El Periódico* de una serie de artículos sobre la presunta atribución por el Sr. Luis Rabbé, de contratos públicos a empresas ficticias. También la Sra. Claudia Méndez Villaseñor, presunta autora de estos artículos, recibió amenazas en varias ocasiones. En la misma comunicación, el Relator Especial hizo referencia al asesinato del periodista Jorge Mynor Alegría Armendáriz, porque el Sr. Jose Mario Chigua, alcalde de Puerto Barrios y miembro del FRG y del Sr. Edgar Orellana, funcionario responsable de las relaciones públicas de Empresa Portuaria Santo Tomás (EMPORNAC), aparecieron en una investigación llevada a cabo por la Procuraduría de los derechos humanos. Además, el Relator Especial hizo referencia al caso de la Sra. Matilde González Izás, investigadora en la Asociación para el Avance de las Ciencias Sociales en Guatemala (AVANSCO), que fue víctima de actos de hostigamiento y de persecución por parte de personas no identificadas. Estos hechos estarían relacionados con la importante labor de defensa de los derechos humanos que la Sra. Matilde González Izás lleva realizando desde hace varios años.

309. El Relator Especial desea dar las gracias al Gobierno por transmitirle información relativa a su nota verbal de 7 de junio de 2001, de conformidad con el párrafo 13 de la resolución 2001/47 de la Comisión, en el que se invita a los Estados a que presenten observaciones sobre sus programas y políticas relativos al acceso a la información con fines de educación y prevención respecto del VIH.

Observaciones

310. Hasta el momento no se ha recibido respuesta del Gobierno.

Visita

311. El Relator Especial desea agradecer al Gobierno su invitación para realizar una visita, y espera poder visitar Guatemala a lo largo del verano de 2002.

Haiti

Communication adressée

312. Le 24 octobre 2001, le Rapporteur spécial a adressé une communication concernant l'interpellation, le 9 août 2001, de Liberus Renald et Claude François, journalistes de la radio Rotation FM, à Belladères (nord-est de la capitale) au cours d'une intervention de la police dans les locaux de la radio. Les policiers auraient saisi une cassette contenant les déclarations d'anciens militaires qui auraient attaqué, le 28 juillet 2001, les installations de la police nationale d'Haïti (PNH). Les policiers les auraient frappés à coups de poing et de pied car ils refusaient de leur remettre l'enregistrement. Ils auraient été conduits au commissariat de Belladères avant d'être relâchés trois heures plus tard. Dans cette communication, le Rapporteur spécial faisait également référence à la situation de Confident Fedner, reporter de Radio Sacré-Cœur, station de la ville de Thiotte (sud-ouest du pays), qui aurait reçu, dès le 17 juillet 2001, des menaces de mort émanant d'un agent de la sécurité de la mairie et de membres d'une organisation populaire proche du maire de Thiotte et du Parti Fanmi Lavalas. Toujours dans la même communication, le Rapporteur spécial évoquait les menaces et mauvais traitements infligés par un commissaire de Cité-Soleil, un quartier populaire de Port-au-Prince, à l'encontre du journaliste Jean-Robert Delciné, le 12 octobre 2001. Ces actes seraient liés au fait que le journaliste avait été témoin d'une opération de police où il avait été dépêché pour enquêter sur la mort de trois jeunes qui auraient été tués par les forces de l'ordre.

Communication reçue

313. Le 30 octobre 2001, le Gouvernement a pris acte de la communication du 24 octobre 2001 et fait savoir au Rapporteur spécial que la communication avait été transmise aux autorités compétentes pour fin de suivi.

Observations

314. Le Rapporteur spécial remercie le Gouvernement haïtien d'avoir pris acte de sa communication. Il attend cependant des informations sur les cas susmentionnés.

Honduras

Comunicaciones enviadas

315. El 24 de julio de 2001, el Relator Especial, conjuntamente con la Representante Especial del Secretario General para los Defensores de los Derechos Humanos y el Presidente-Relator del Grupo de Trabajo sobre la Detención Arbitraria, envió un llamamiento urgente respecto de la detención de los Sres. Santos Valentín Mejía, José Antonio Velásquez, Gabriel Pérez, Silverio Molina Ventura y José Ángel González originarios de la región de Olancho en el este de Honduras. Estas personas fueron arrestadas el 18 de julio 2001 en Tegucigalpa por las fuerzas de seguridad hondureñas durante una manifestación contra la construcción, presuntamente ilegal, de un embalse en el parque nacional de la Sierra de Agalta. Santos Valentín Mejía y José Antonio Velásquez fueron seriamente heridos por las fuerzas de policía durante el arresto.

Además éstas utilizaron unos medios excesivos y desproporcionados para expulsar a los manifestantes que ocupaban el palacio legislativo. El 19 de junio las siguientes personas, involucradas en actividades de protección de los derechos humanos, fueron inculpadas de varios delitos contra la administración pública por haber participado en dicha manifestación pacifica: Andrés Pavón, Presidente del Comité para la Defensa de los Derechos Humanos en Honduras (CODEH), Antonio Velásquez, miembro del CODEH; Santiago Sosa, miembro del CODEH; Henrich Pineda Plateros, miembro del CODEH; Berta Olivia de Nativi, coordinadora del Comité de Familiares de Desaparecidos en Honduras; Cándido Martines, líder del Consejo de Organizaciones Populares Indígenas de Honduras (COPINH); Salvador Zungia, líder del COPINH; Abraham Díaz, activista indígena; Jimena Gonzales, activista indígena; Julián Martínez, activista indígena; Rafael Alegría, sindicalista; Carlos H. Reyes, sindicalista; Alberto Cancelas, habitante de Gualaco, Sally O'Neill, cooperación internacional, Jerónimo Gonzales, cantante hondureño.

Observaciones

316. Todavía se espera respuesta del Gobierno.

Jamaica

Communication sent

317. On 9 August 2001, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative on human rights defenders, sent an urgent appeal concerning the death threat against Hilaire Sobers, a journalist writing a weekly column on human rights in the newspaper *Jamaica Observer* and who is known to be an outspoken critic of the Government s human rights record. On 7 August 2001, a letter was delivered to the newspaper's offices which contained a picture of a gunman raping and shooting Hilaire Sobers with an M-16 rifle, and made reference to Hilaire Sobers' human rights work and to the activities of other human rights journalists, namely Mr. Perkins, a renowned radio journalist, and Mr. Wignal, a journalist working for the *Jamaica Observer*, and threatened to kill them. Hilaire Sobers reported the letter to the police that day. The author of the letter was a supporter of the Government, the ruling People's National Party (PNP).

Observations

318. No reply from the Government has been received so far.

Mexico

Comunicaciones enviadas

319. El 9 de febrero de 2001, el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, transmitió un llamamiento urgente respecto de la situación de los Sres. Juan López Villanueva, abogado del Área Jurídica del Centro de Derechos Humanos "Fray Bartolomé de las Casas", en San Cristóbal de las Casas,

Estado de Chiapas, y Arturo Solís, Director del Centro de Estudios Fronterizos y Promoción de los Derechos Humanos (CEF-PDH), en Ciudad Reynosa, Estado de Tamaulipas, ambos defensores de los derechos humanos en México. El 19 de enero, el Sr. Juan López Villanueva recibió una amenaza de muerte a través de su correo electrónico. El 27 de enero, el Sr. Arturo Solís, recibió un mensaje en la puerta de su oficina conteniendo amenazas de muerte y dibujos que hacían alusión a un posible futuro asesinato. Las amenazas estaban relacionadas con las denuncias que los Sres. Juan López Villanueva y Arturo Solís presentaron contra diversos presuntos narcotraficantes. En concreto el Sr. Arturo Solís acusó a diversos presuntos narcotraficantes de amenazar a periodistas por denunciar la situación de violencia generalizada en Ciudad Miguel Aleman.

320. El 26 de septiembre de 2001, el Relator Especial envió, conjuntamente con el Representante Especial del Secretario General para los Defensores de los Derechos Humanos, una comunicación acerca del hostigamiento del que fueron objeto Margil Guerra y Ciro Rodríguez, dos periodistas de la televisión mexicana Televisa, y Mauro Cruz, miembro del Centro de Estudios Fronterizos y Promoción de los Derechos Humanos (CEFPRODHAC), el 31 de marzo de 2001, por parte de soldados durante una redada antidrogas. Margil Guerra, Ciro Rodríguez y Mauro Cruz estaban intentando vigilar las operaciones de los militares en el Estado de Tamaulipas donde 20 personas, entre las cuales un menor de 17 años, estaban detenidas, cuando los soldados entraron, sin orden de investigación, en Guardado de Abajo, municipio de Camargo, y en Fonhapo, municipio de Miguel Aleman. Margil Guerra, Ciro Rodríguez y Mauro Cruz fueron amenazados e intimidados por los soldados.

321. El 13 de diciembre de 2001, el Relator Especial, conjuntamente con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió un llamamiento urgente acerca de la situación del periodista Francisco Castellanos. Francisco Castellano fue amenazado de muerte por la policía del Estado de Michoacán, en relación con su publicación de un artículo titulado "El Mañana de Nuevo Laredo" en la revista *Proceso* el 30 de octubre 2001, en el que el periodista pretendió que un ex procurador general de Michoacán y varios miembros de la policía eran corruptos. La policía presentó una denuncia por difamación contra el Sr. Castellanos.

Comunicaciones recibidas

322. El Relator Especial recibió una comunicación fechada el 22 de octubre de 2001 en la cual el Gobierno de México lamentaba el asesinato de la defensora de derechos humanos, Digna Ochoa. En otra comunicación, fechada el 9 de noviembre de 2001, el Gobierno informó sobre el avance de las medidas de protección a favor de diversos defensores de derechos humanos y de las investigaciones del homicidio de Digna Ochoa.

323. El Gobierno de México contestó el 3 de diciembre de 2001 al llamamiento urgente del 9 de febrero 2001 sobre la situación del Sr. Juan López Villanueva. El Gobierno afirmó que los hechos resumidos en la denuncia son exactos, y que su investigación se inició a través de la denuncia presentada por el nombrado el 19 de enero de 2000, por el delito de amenazas cometido en su agravio en contra de Héctor Carrasquedo y quienes resulten responsables. Dicha investigación se encontraba a cargo del titular de la Mesa de Trámite número cuatro, adscrita a la Subprocuraduría Regional Zona Altos, quien con fecha 31 de mayo de 2000, determinó enviar la indagatoria a legajo de reserva por falta de datos en la prosecución de la pesquisa, situación que

fue confirmada por el actual fiscal por medio del oficio de fecha 12 de octubre de 2001. Asimismo, la Comisión Estatal de Derechos Humanos emitió con fecha 6 de noviembre de 2001 una recomendación donde solicitaba a la Procuraduría General de la Justicia del Estado, la extracción de reserva en la averiguación previa, entre otras medidas, con motivo de la queja interpuesta por el Presidente de la Liga Mexicana por la Defensa de los Derechos Humanos, por actos cometidos en contra de Juan López Villanueva. Como consecuencia, la Procuraduría de Justicia del Estado giró instrucciones al Subprocurador de Justicia donde se encontraba radicada la causa para el cumplimiento de lo requerido. También se dio conocimiento a la Contraloría General del Estado.

324. Por carta con fecha 3 de diciembre de 2001, el Gobierno respondió a la comunicación enviada el 26 de septiembre de 2001. Respecto al caso de Margil Guerra, Ciro Rodríguez y Mauro Cruz, el Gobierno respondió que la Procuraduría General de Justicia Militar no tenía registro de alguna denuncia interpuesta con motivo de los hechos del presente caso, y señaló que está dispuesto a investigar y dar seguimiento al caso una vez que se presenten las denuncias correspondientes.

Observaciones

325. El Relator Especial da las gracias al Gobierno de México y acoge con agrado el inicio de una investigación del asesinato de Digna Ochoa.

Nicaragua

Comunicación enviada

326. El 9 de agosto de 2001, el Relator Especial envió un llamamiento urgente acerca de la agresión sufrida por la periodista Eloísa Ibarra de *El Nuevo Diario* por parte del Presidente Arnoldo Alemán, el 1° de agosto de 2001, a consecuencia de la publicación, el 2 de agosto, de un artículo en el periódico *El Nuevo Diario*. En este artículo, Eloísa Ibarra afirmó que, cuando preguntó al mandatario sobre la hambruna que afecta al norte y noreste del país, el Presidente la apretó violentamente la muñeca, tratándola de "sandinista incorregible" (del nombre del Frente Sandinista de Liberación Nacional, que pertenece a la oposición). La Presidencia desmintió esas declaraciones y acusó a *El Nuevo Diario* de llevar "una odiosa campaña de desprestigio contra el mandatario y funcionarios del Gobierno". Eloísa Ibarra ya habia sido víctima de una agresión similar por parte del Presidente Alemán, en diciembre de 2000. Además, el 29 de junio de 2001, el periódico *El Nuevo Diario* denunció la supresión por el Gobierno de la atribución de publicidad pública en sus columnas. El Gobierno no dio ninguna explicación. Según el diario, esas medidas no estaban destinadas a sancionar ningún artículo preciso sino que constituían una "reacción frente a sus posturas críticas y su constante denuncia de la corrupción".

Comunicación recibida

327. El Gobierno de Honduras contestó al Relator Especial el 23 de agosto de 2001. Con respecto a la noticia publicada por *El Nuevo Diario*, sobre la agresión contra Eloísa Ibarra por parte del Presidente de la República, el Gobierno negó que se hubiera producido agresión alguna. Respecto de la atribución de publicidad gubernamental y las suscripciones a los diarios para las

oficinas gubernamentales, el Gobierno informó de que estaba desarrollando un programa de reforma estructural y de modernización del sector público con el objetivo de optimizar el uso de los recursos asignados a cada institución. Asimismo, la cancelación de algunas suscripciones a diarios por parte de ministerios del Estado era resultado de la disminución del gasto público y del uso intensivo de los medios electrónicos de comunicación.

328. El Relator Especial desea dar las gracias al Gobierno por transmitirle información relativa a su nota verbal de 7 de junio de 2001, de conformidad con el párrafo 13 de la resolución 2001/47 de la Comisión, en el que se invita a los Estados a que presenten observaciones sobre sus programas y políticas relativos al acceso a la información con fines de educación y prevención respecto del VIH.

Observaciones

329. El Relator Especial da las gracias al Gobierno de Nicaragua por la rapidez de su respuesta.

Panama

Comunicación enviada

330. El 24 de septiembre de 2001, el Relator Especial transmitió un llamamiento urgente acerca de la detención de los periodistas Ubaldo Davis, Herbert Rattry, y Joel Díaz, responsables del semanario satírico *La Cáscara News*. Ubaldo Davis y Herbert Rattry fueron detenidos en su domicilio en la noche del 19 de septiembre de 2001, mientras que Joel Díaz fue detenido al día siguiente. Su detención estaba relacionada con la reciente publicación por el semanario *La Cáscara News* de un artículo humorístico sobre los presuntos romances de Mireya Moscoso, la Presidenta de la República, con su ex Ministro de la Salud, José Terán, y con Winston Spadafora, Ministro de Gobierno y Justicia. La Presidenta, Mireya Moscoso, y el Ministro de Gobierno y Justicia, Winston Spadafora, denunciaron a los tres periodistas por el delito de calumnia e injuria y por "atentar contra la seguridad jurídica del Estado". Además, el 19 de septiembre de 2001, el semanario fue prohibido por no haber respetado sus responsables la Ley Nº 11 de 10 de febrero de 1978 sobre los trámites a realizar para registrar un nuevo periódico. Ubaldo Davis, Herbert Rattry y Joel Díaz quedaron en libertad el 21 de septiembre, pero arriesgan una pena de hasta dos años de cárcel.

Observaciones

331. Todavía se espera la respuesta del Gobierno.

Paraguay

Comunicación enviada

332. El 2 de octubre de 2001, el Relator Especial, junto con la Relatora Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, envió un llamamiento urgente acerca de las amenazas de muerte y actos de intimidaciones recibidas por Telmo Ibáñez, corresponsal del

diario *ABC Color* en Concepción en la noche del 25 al 26 de septiembre de 2001. Por ejemplo, el 25 de septiembre, un coche con vidrios polarizados y sin matrícula, vigiló la oficina que ocupa. El periodista denunció las amenazas y la vigilancia a la jefatura de la policía nacional en Concepción. Estas amenazas estaban relacionadas con un artículo escrito por el Sr. Ibáñez en el cual acusó a unos concejales municipales de ser cómplices de irregularidades constatadas por la Controlaría de la Nación y cometidas por el intendente de la municipalidad de Concepción, Genaro Domínguez. Los tres concejales municipales involucrados, Andrés Villalba, Eulogio Echagüe y Blas Cáceres, denunciaron al periodista por calumnias. El juez, que pertenecía a la misma logia que los hijos de uno de los denunciantes, limitó las intervenciones del abogado de la defensa reduciendo su tiempo de palabra e impidiéndole exponer sus argumentos. Por consiguiente el Sr. Ibáñez fue condenado por calumnia agravada a una multa de más de 10 millones de guaraníes y a pagar 3 millones de guaraníes a cada uno de los denunciantes.

Observaciones

333. Hasta la fecha no ha habido respuesta del Gobierno.

Peru

334. Tras recibir una invitación oficial del Gobierno, el Relator Especial tiene la intención de visitar el Perú a lo largo del verano de 2002.

Uruguay

Comunicación recibida

335. En una comunicación fechada el 23 de mayo de 2001, el Gobierno del Uruguay contestó al llamamiento urgente enviado por el Relator Especial el 24 de agosto de 2000. El Gobierno comunicó que el Sr. Álvaro Vergara no fue sometido a ningún procedimiento disciplinario, que no fue aplicada ninguna sanción como consecuencia de su participación en el Seminario organizado por el Programa de las Naciones Unidas para el Desarrollo, que Álvaro Vergara no fue trasladado de la Jefatura de Policía, ni destituido del cargo de Jefe de la Jefatura de la Policía de Montevideo, cargo que jamás ocupó. Además, el 23 de agosto de 2000 le fue asignada una responsabilidad superior como Jefe de la Comisaría de la 19ª Sección del Departamento de Montevideo y a partir del 12 de marzo de 2001 en la 21ª Sección (véase E/CN.4/2001/64, párr. 295).

Observaciones

336. El Relator Especial agradece su respuesta al Gobierno del Uruguay.

Annex I

General statistics on communications sent to and received from Governments

	Africa	Asia	Eastern Europe	Western Europe and Other	Latin America and the Caribbean	Total
No. of countries to which UA and LA were sent	27	22	5	2	13	69
No. of UA sent	50	47	4	7	16	124
No. of joint UA (with thematic and country mechanisms)	28	28	1	5	13	77
No. of LA sent	15	10	5	-	7	37
No. of joint LA (with thematic and country mechanisms)	5	2	4	-	4	15
No. of PR	1	-	-	1	-	2
No. of government replies	13	17	3	5	7	45

UA - urgent appeals
LA - letters of allegation
PR - press releases

Annex II

Statistics on joint communications

	Letters of allegation	Urgent appeals
Number of joint communications	15*	77*
Thematic Mechanisms		
Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions	2	14
Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers	1	3
Special Rapporteur of the Commission on Human Rights on the question of torture	12	33
Special Representative of the Secretary-General on human rights defenders	2	15
Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences	3	1
Working Group on Arbitrary Detention	0	23
Country-specific rapporteurs		
Democratic Republic of the Congo	0	4
Equatorial Guinea	0	1
Islamic Republic of Iran	0	2
Sudan	0	6

* Some allegations and urgent appeals were sent by more than one special rapporteur, which explains why the total is higher.

Annex III

Detailed statistics on urgent appeals (UA), letters of allegation (LA) and press releases (PR) issued by the Special Rapporteur

	Africa			Asia			Eastern Europe			Western Europe and Others			Latin America and the Caribbean		
	UA	LA	PR	UA	LA	PR	UA	LA	PR	UA	LA	PR	UA	LA	PR
No. of countries to which UA and LA were sent	27			22			5			2			13		
No. of communications sent by the SR	50	15	1	47	10	-	4	5	-	7	-	1	16	7	-
No. of countries concerned	23	12	1	21	8	-	3	4	-	2	-	1	12	5	-
No. of individuals	332	69	5	411	42	-	3	129	-	59	-	1	67	21	-
No. of women	6	5	-	1	-	-	2	8	-	4	-	-	6	2	-
No. of minors	17	-	-	3	-	-	-	-	-	1	-	-	-	-	
No. of radio stations	1	2	-	-	-	-	-	-	-	1	-	-	-	-	-
No. of newspapers	15	7	-	4	6	-	1	-	-	-	-	-	2	2	-
No. of television/media outlets	-	-	-	2	2	-	-	3	-	1	-	-	-	-	-
No. of laws/ directives/ administrative measures	3	2	1	2	1	-	-	-	-	-	-	-	-	-	-
Political parties/ movements/ trade unions	2	1	-	1	1	-	-	-	-	2	-	-	2	-	-
Demonstrations/ civil unrest	1	-	-	2	-	-	1	-	-	-	-	-	1	-	-
No. of government replies	10	3	-	17	1	-	2	1	-	5	-	-	5	2	-
